Journal of the Senate

Number 26 **Monday, June 6, 1988**

CALL TO ORDER

The Senate was called to order by the President at 2:17 p.m. A quorum present—36:

Mr. President	Girardeau	Kiser	Plummer
Barron	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Hair	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Childers, W. D.	Hollingsworth	McPherson	Thurman
Crawford	Jenne	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson

Excused: Senator Lehtinen at 7:00 p.m.; Senators Crenshaw, Frank, Grizzle and Kirkpatrick; periodically, conferees on HB 1700

PRAYER

The following prayer was offered by Joe Brown, Secretary of the Senate:

Recognizing, O Lord, that you, too, have a heavy agenda for today, we pray simply for your guidance and grace. Amen.

PLEDGE

The Senate pledged allegiance to the flag of the United States of America.

Motion

On motion by Senator Barron, by two-thirds vote the special order calendar for this day was set to include the following bills: CS for SB 1429, CS for SB 1205, SJR 360, CS for SB 150, SB 920, HB 1432, HB 1473, CS for SB's 1158 and 1006, SB 1160, CS for SB 1355, CS for SB 914, SB 489, SB 1058, CS for SB 1350, SB 978, CS for CS for SB 916, CS for SB 786, CS for SB 983, CS for SB 749, CS for CS for SB's 1149 and 156, SJR 728, CS for CS for CS for SB 633, HCR 1679, HB 1504

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following Local Bill Calendar for Monday, June 6, 1988: HB 963, HB 915, HB 916

Respectfully submitted,
Dempsey J. Barron, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 777, CS for HB 1102, HB 1599, CS for CS for HB 1605, HB 1671 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committees on Finance and Taxation; Regulated Industries and Licensing and Representatives Meffert and Tobin—

CS for CS for HB 777—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.013, F.S.; providing legislative findings; providing for operating days, conditions, and exceptions with respect to greyhound racing, jai alai, harness racing, and thoroughbred racing in conjunction with recommendations made by the Florida Pari-mutuel Commission; providing legislative intent; amending ss. 550.09 and 551.06, F.S.; clarifying language with respect to the admission tax; amending s. 550.095, F.S., relating to additional taxes, to conform; amending ss. 550.066, 550.0841, and 550.37, F.S.; correcting references; amending s. 550.33, F.S.; correcting a cross-reference; including reference to a specified thoroughbred permittee with respect to substitutions; repealing s. 550.065, F.S., relating to certain harness racing permits; repealing s. 550.08, F.S., relating to the maximum length of race meetings; repealing s. 550.082, F.S., relating to special allocation periods of operation of certain dogracing tracks; repealing s. 550.083, F.S., relating to periods of operation generally for dogracing; repealing s. 550.0831, F.S., relating to dogracing periods; repealing s. 550.291, F.S., relating to periods of operation for greyhound racing and jai alai; repealing s. 550.34, F.S., relating to dogracing at North Florida tracks; repealing s. 550.351, F.S., relating to the effect of certain passed amendments; repealing s. 551.031(3), F.S., relating to periods of operation for certain jai alai frontons; repealing s. 551.15, F.S., relating to special allocation of periods of operation for certain frontons; repealing ss. 551.152, 551.153, and 551.155, F.S., relating to additional jai alai days; providing for repeal of certain sections of the act under certain circumstances; amending s. 550.04, F.S.; revising language with respect to racetrack meetings to conform; amending s. 550.35, F.S.; deleting prohibition against certain transmission of racing and jai alai information; amending s. 550.355, F.S.; correcting references; amending s. 20.16, F.S.; providing for the appointment of commission members; providing for meetings; requiring minutes of meetings; providing for per diem and travel expenses for members; deleting provisions listing the authority of the commission; amending s. 550.02, F.S.; providing a date for the issuance of the annual report by the division on the racing and jai alai industry in this state; creating s. 550.022, F.S.; consolidating the authority of the commission within chapter 550, F.S., for consistency; amending s. 120.57, F.S.; exempting certain hearings held by the Division of Pari-mutuel Wagering from the requirement of having a hearing officer under the Administrative Procedures Act; amending s. 550.011, F.S.; deregulating race dates with respect to thoroughbred horseracing; amending s. 550.09, F.S.; revising language with respect to the tax on handle; amending s. 550.10, F.S.; authorizing the division to place conditions or restrictions on certain licenses; amending s. 550.16, F.S., relating to pari-mutuel pools, to conform; amending s. 550.262, F.S., to correct a cross-reference; amending s. 550.29, F.S.; revising language with respect to reallocation of racing dates; creating s. 550.52, F.S.; providing for operating days for Florida thoroughbred racing; providing for the indefinite suspension of ss. 550.081(1), (2), (3), (4), and (6), 550.40, 550.41, 550.42, 550.43, 550.45, 550.46, and 550.4904, F.S., relating to racing periods; reviving and readopting provisions relating to the commission, notwithstanding repeal scheduled pursuant to the Sundown Act, and providing for future review and repeal of said provisions; amending s. 12(3) of ch. 87-38; advancing the date of repeal for the provision relating to additional tax on handle; providing for the application of the act; providing an appropriation; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Criminal Justice and Representative Crotty and others—

CS for HB 1102—A bill to be entitled An act relating to fraudulent practices; creating s. 817.361, F.S.; prohibiting the sale or transfer of nontransferable multiday or multievent tickets; providing penalties; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Health and Rehabilitative Services and Representative Tobin and others—

HB 1599—A bill to be entitled An act relating to tuberculosis control; creating ss. 392.501-392.69, F.S., the Tuberculosis Control Act; providing legislative findings and intent; providing definitions; requiring certain reporting of tuberculosis to the Department of Health and Rehabilitative

Services; authorizing the department to interview certain persons; providing an exemption from public records law; providing for review and repeal; providing protection from liability; providing for protection of the names of persons subject to certain proceedings; providing for examination and treatment; providing for hospitalization, placement, or residential isolation; providing authority for emergency hold; providing restrictions; providing for service of notice and process; providing for forms; providing for rights to appeal and petition for immediate release; providing for community tuberculosis control programs; providing for hospitalization and residential placement programs; providing for temporary leave; requiring adherence to treatment plans; providing penalties; providing for confidentiality; authorizing certain release of information; providing for rules; providing unlawful acts and penalties; providing for fees and other compensation; providing for appropriations, and for hospital interest, sinking, and maintenance trust funds; authorizing certain use of funds by the department; repealing ss. 392.03-392.36, F.S., relating to tuberculosis hospitals; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By the Committees on Appropriations; Finance and Taxation; and Community Affairs and Representative C.F. Jones—

CS for CS for HB 1605—A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1988; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.4085, F.S.; providing for bond issuance; creating s. 189.409, F.S.; providing for a determination of financial emergency; providing for preparation of the official list of special districts; providing definitions; creating s. 189.412, F.S.; creating the Office of Special District Information and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds use by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to the local comprehensive plan; renumbering s. 189.004, F.S.; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; renumbering s. 125.901, F.S., relating to county juvenile welfare boards; renumbering s. 154.331, F.S., relating to county indigent health care districts; transferring chapter 190, F.S., relating to community development districts; transferring chapter 298, F.S., relating to water control districts; transferring chapter 374, F.S., relating to canal authorities, navigation districts, and waterways development; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for the delivery of ad valorem tax and non-ad valorem assessment rolls; amending s. 197.363, F.S.; revising language with respect to the method of collection of special assessments, service charges, and non-ad valorem assessments; creating s. 197.3631, F.S.; providing general provisions with respect to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Office of Special District Information; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.31, F.S.; providing definitions; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district; deleting a report to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; providing for the application of the act with respect to certain ports; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special District Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; directing that changes in numbering and terminology in the Florida Statutes be made; providing an appropriation; providing effective dates.

(Substituted for CS for CS for CS for SB 633 on the special order calendar this day.)

By the Committee on Natural Resources and Representative Martin and others—

HB 1671—A bill to be entitled An act relating to pollution control; amending s. 206.9925, F.S.; revising the definitions of "petroleum product" and "pollutants" for purposes of excise taxes on fuel and other pollutants and requirements related thereto; amending s. 206.9935, F.S.; revising the rates of the tax for water quality and the conditions under which said tax is imposed; authorizing a credit for certain taxes paid; repealing s. 206.9941(4), F.S., which exempts pesticides, ammonia, chlorine, and derivatives thereof from the tax for coastal protection and the tax for water quality under certain conditions; amending s. 376.307, F.S.; providing limitations on the expenditure of funds from the Water Quality Assurance Trust Fund for water supply systems or filters for contaminated potable water wells; amending s. 373.309, F.S., relating to the authority of the Department of Environmental Regulation to adopt rules regulating water wells; revising provisions authorizing delegation of its authority to other agencies or political subdivisions; providing duties with respect to prevention of potable water well contamination and remediation of contamination; providing for delineation of areas of groundwater contamination; providing for testing and standards; providing for permitting and for establishment of fees therefor; creating s. 403.7223, F.S.; providing for the establishment of a waste reduction and elimination assistance program; amending s. 403.7264, F.S.; authorizing the department and local governments which have established local or regional hazardous waste collection centers to enter into contracts for the local governments to administer and supervise amnesty days; providing a schedule for amnesty days for purging small quantities of hazardous wastes; providing a limitation on amounts to be accepted at no cost; providing duties of local governments and regional planning councils; amending s. 403.7265, F.S., relating to the local hazardous waste collection program; revising requirements for a plan to be formulated by the department for collecting small quantities of hazardous waste; directing the department to develop a statewide local hazardous waste management plan; requiring establishment of a grant program for local governments; revising grant amounts and requirements with respect thereto; creating the Water Quality Assurance Trust Fund Study Commission; providing for membership and duties of the commission; assigning the commission to the Joint Legislative Management Committee for administrative purposes; amending s. 403.165, F.S., modifying source and expenditure of funds in the Pollution Recovery Fund; amending s. 403.087, F.S., revising and expanding the schedule of fees for environmental permits; providing restrictions; authorizing single applications and single fees for certain multiple air pollution sources; requiring rules to establish maximum fees to be paid by any one owner; amending s. 403.311, F.S., increasing the application fee for a

weather modification license; amending s. 403.722, F.S., deleting the maximum fee for a hazardous waste facility permit; directing the Department of Environmental Regulation to make rules; amending s. 20.261, F.S.; abolishing divisions of the department and creating new divisions; amending s. 403.805, F.S.; expanding rulemaking authority of the secretary of the department; modifying provisions relating to delegation of authority assigned to the department; amending ss. 403.0876 and 403.809, F.S.; providing for department delegation of certain functions formerly assigned to the Division of Environmental Permitting; repealing ss. 403.806, 403.807, 403.808, and 403.8081, F.S., relating to powers and duties of the Divisions of Administrative Services, Environmental Permitting, Environmental Programs, and Environmental Operations; amending s. 403.161, F.S.; providing that failure to notify the Department of Environmental Regulation within one day of discovery the release of certain contaminants is prohibited and is a violation of chapter 403, F.S.; providing appropriations and authorizing positions; redesignating s. 203.10, F.S., as s. 403.7215, F.S.; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 295 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 295—A bill to be entitled An act relating to transportation; amending s. 339.179, F.S.; providing for the termination of public official members of an M.P.O. under certain circumstances; providing for two additional voting members, appointed by the Governor, to an M.P.O. which is contained within any constitutional charter county as defined in s. 125.011, F.S.; amending s. 125.01, F.S.; restricting regulation of taxis in certain constitutional charter counties; providing an effective date.

Amendment 2—On page 2, line 28, after the word *"have"* insert: *been authorized to have*

On motion by Senator Lehtinen, the Senate concurred in the House amendment.

CS for CS for SB 295 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Hair	Malchon	Thomas
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	McPherson	Weinstein
Crawford	Jenne	Meek	Weinstock
Deratany	Jennings	Myers	Woodson
Dudley	Johnson	Peterson	
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 376 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 376—A bill to be entitled An act relating to the judiciary; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing effective dates.

Amendment 1—On page 2, strike all of lines 17-25, and insert:

Section 3. Subsection (36) of section 34.022, Florida Statutes, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(36) Lee	5 4

On motion by Senator Langley, the Senate concurred in the House amendment.

CS for SB 376 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gordon	Lehtinen	Scott
Beard	Hill	Malchon	Stuart
Brown	Hollingsworth	Margolis	Thomas
Childers, D.	Jenne	McPherson	Thurman
Childers, W. D.	Jennings	Meek	Weinstein
Deratany	Johnson	Peterson	Weinstock
Dudley	Kiser	Plummer	Woodson
Girardeau	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 487 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 487—A bill to be entitled An act relating to alimony, support, maintenance, and child support; amending s. 28.24, F.S.; deleting a use for service charges collected by the clerk; amending s. 28.241, F.S.; deleting a filing charge for trial and appellate proceedings; amending s. 48.193, F.S.; providing for long-arm jurisdiction in paternity cases; amending s. 61.13, F.S.; deleting a requirement that the clerk of court transmit certain information from support orders to the Secretary of State; amending s. 61.1301, F.S.; providing that the court may order more than 20 percent of a support obligor's periodic support obligation to be withheld to reduce arrearages; providing which law and procedures control interstate income deduction orders; providing a procedure for initiating an interstate income deduction order with the local depository; providing legislative intent; amending s. 61.14, F.S.; providing for the modification of a judgment by operation of law; providing for notice and an opportunity for a hearing on limited grounds; providing that the court shall hold a hearing within certain time limits; providing that the judgment by operation of law includes the amount of the delinquency and all other amounts which thereafter become due, plus costs and a $5 fee; amending s. 88.151, F.S.; providing that the state, its political subdivisions, and the support obligee are not responsible for costs incurred pursuant to the Revised Uniform Reciprocal Enforcement of Support Act; amending s. 319.24, F.S.; providing a procedure for the perfection of a lien on motor vehicles by the director of the state child support enforcement program; amending s. 328.15, F.S.; providing a procedure for the perfection of a lien on vessels by the director of the state child support enforcement program; amending s. 409.2554, F.S.; defining the term "dependent child" to include a person who is mentally or physically incapacitated when such incapacity began prior to reaching the age of 18; defining the term "public assistance" to include money assistance paid on the basis of Title XIX, Social Security Act; providing a definition for the term "administrative costs"; amending s. 409.2561, F.S.; providing for the collection and release of certain medical insurance information by the IV-D agency in public assistance cases; requiring notification of termination of coverage by insurance companies; amending s. 409.2567, F.S.; reducing the application fee for IV-D services; providing that the court is to order payment of administrative costs without corroborating evidence; providing that the obligee is not responsible for IV-D administrative costs; amending s. 409.2569, F.S.; providing for continuation of child support enforcement services under certain circumstances; creating s. 409.2575, F.S.; providing a procedure whereby the director of the IV-D program can

place a lien on motor vehicles and vessels for delinquent child support payments; providing for enforcement of the procedure; amending s. 409.2577, F.S.; providing sources of information from whom or from which the department shall receive information for its parent locator service; providing to whom parent locator service information may be provided; creating s. 409.2579, F.S.; specifying IV-D case file information which is exempt from public record disclosure requirements; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; providing a penalty; amending s. 689.02, F.S.; providing for the inclusion of social security numbers on warranty deeds; providing legislative intent with respect to the repeal of certain provisions in the Florida Statutes; providing for the transfer of certain fees collected by the clerk of the court; repealing s. 61.1352, F.S., relating to a statewide lien system for delinquent child support payments; amending s. 61.181; providing that support payments paid into the depository in the office of the clerk of the court must be accepted if tendered in the form of a money order; deleting requirement that such payments must be accepted if tendered in the form of a check; providing for the applicability of certain provisions of the act; amending s. 743.07, F.S.; providing that a court is not prohibited from requiring support for a dependent person beyond the age of 18 under certain circumstances; amending s. 319.27, F.S.; providing that certain liens shall be enforceable against subsequent creditors and purchasers for value only upon reduction to a possessory status or upon recording same upon the certificate of title for the related motor vehicle or mobile home; providing for perfection of a purchase money security interest simultaneously with execution of a related security agreement under certain circumstances; providing an effective date.

Amendment 1—On page 28, strike lines 6-12, and insert:

(5) The depository shall accept a support payment tendered in the form of a check drawn on the account of a payor or obligor, *unless the payor or obligor has previously remitted a check which was returned to the depository due to lack of sufficient funds in the account. If the payor or obligor has had a check returned for this reason, the depository shall accept payment by cash, cashier's check, or money order, or may accept a check upon deposit by the payor or obligor of an amount equal to 1 month's payment. Payment shall be made by the depository to the obligee within 2 working days after the depository receives the obligor's remittance. Child support payments tendered by personal check of the obligor shall include an additional $.25 fee to be deposited in the Child Support Depository Trust Fund. Checks drawn on government accounts, checks of employers remitted pursuant to income deduction orders, and cashier's checks are not subject to the $.25 fee. The proceeds of a check remitted for the payment of delinquencies equal to at least 4 months' support payments or remitted by the obligor to avoid being jailed for contempt need not be disbursed prior to payment of the check; however, upon payment, the depository shall disburse the proceeds to the ogligee within 2 working days.* ~~The proceeds of the check need not be disbursed prior to payment of the check.~~ Notwithstanding the provisions of s. 28.243, the administrator of the depository shall not be personally liable if the check tendered by the payor or obligor is not paid by the bank.

Section 25. *Child Support Depository Trust Fund.—All funds collected by child support depositories as fees paid for payment of support by personal check shall be deposited in the State Treasury to the credit of the Child Support Depository Trust Fund, which shall be administered by the Comptroller. Child support depository administrators may apply for reimbursement from this trust fund for uncollectible personal checks attributable to support payments which were paid to the support obligee, and for costs of collection of checks which were returned unpaid. The Comptroller shall make such reimbursements upon a satisfactory showing that the depository has made diligent efforts to collect the funds and that the depository is not continuing to accept payments by personal check without a deposit from the support obligor for whom the depository is seeking reimbursement.*

Section 26. *There is hereby appropriated for fiscal year 1988-89 $100,000 from the General Revenue fund to the Child Support Depository Trust Fund to initially fund the provisions of this act.*

(Renumber subsequent section.)

Amendment 2—In title, on page 3, lines 27-31, and on page 4, line 1, strike all of said lines and insert: 61.181; relating to central depositories for child support payments; providing for the form of payment of child support obligations where the payor or obligor has previously remitted a check which was returned due to lack of sufficient funds; establishing a child support depository trust fund; appropriating funds to the child support depository trust fund; providing for the

On motions by Senator Langley, the Senate concurred in the House amendments.

CS for CS for SB 487 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Grant	Lehtinen	Ros-Lehtinen
Beard	Hair	Malchon	Scott
Brown	Hill	Margolis	Stuart
Childers, D.	Hollingsworth	McPherson	Thomas
Childers, W. D.	Jenne	Meek	Thurman
Dudley	Jennings	Myers	Weinstein
Girardeau	Johnson	Peterson	Weinstock
Gordon	Langley	Plummer	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for CS for SB 634 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 634—A bill to be entitled An act relating to crime; creating the Victims' Rights Act of 1988; amending s. 775.089, F.S.; revising the standards under which a court may limit restitution to a victim of a crime; requiring a court to order certain types of restitution when a victim has suffered bodily injury; requiring a court to consider additional factors in determining the amount of restitution; requiring an order for income deduction; amending s. 914.21, F.S.; providing a definition; amending s. 914.22, F.S.; prohibiting tampering with a witness, victim, or informant in an official investigation; providing penalties; amending s. 921.001, F.S.; requiring the Sentencing Commission to consider additional factors in developing statewide sentencing guidelines; specifying facts which a court may consider in imposing a sentence that is outside such guidelines; amending s. 921.187, F.S.; providing conforming language; creating s. 943.172, F.S.; requiring the Criminal Justice Standards and Training Commission of the Department of Law Enforcement to establish standards and require a specified amount of instruction for law enforcement officers in victims assistance and rights; amending s. 944.512, F.S.; revising the specified distribution of the proceeds of the sale by a convicted felon of an account of his crime; providing for attachment of a lien on such proceeds; extending the lien to accounts of crimes by persons; amending s. 944.605, F.S.; revising notification requirements of an inmate's anticipated release from incarceration or a person's anticipated release from parole; amending s. 947.06, F.S.; authorizing victims of crime to make certain statements before the Parole and Probation Commission; requiring the commission to adopt rules governing such statements; amending s. 948.03, F.S.; providing conforming language; amending s. 945.091, F.S.; providing that the Department of Corrections may require restitution be made from an inmate's employment proceeds; amending s. 960.001, F.S.; providing implementing language conforming to the provisions of a proposed constitutional amendment; deleting provisions requiring that certain notification be given to a witness of a crime; requiring that notification of certain judicial proceedings be given to a victim and a relative of certain victims; authorizing the state attorney to consult a victim or a victim's guardian or family regarding the sentencing of a person accused of the crime; providing that a victim be notified of certain additional rights; providing for a victim's rights information card or brochure; requiring the Governor to advise state agencies of certain statutory changes; deleting provisions requiring that an explanation be provided to the Governor if certain objectives are not achieved by an agency; requiring the Executive Office of the Governor to review guidelines for the fair treatment of victims adopted by specified agencies; providing for injunctive relief; providing that victims and witnesses are not required to attend certain discovery depositions; creating s. 960.002, F.S.; authorizing the creation of a direct-support organization, with the approval of the Governor, to provide assistance to victims of crime; pro-

viding requirements for the operation, financial records, and accounts of such organization; amending ss. 39.19, 960.17, 960.20, F.S.; assessing specified costs against a juvenile, who has committed a delinquent act, for deposit to the Juvenile Justice-Crime Victim Trust Fund; requiring a juvenile who is placed on community control to pay compensation to the Crimes Compensation Trust Fund; creating s. 960.211, 960.29, 960.30, F.S.; creating the "Juvenile Justice-Crime Victim Trust Fund" and providing for the distribution of money from the fund; authorizing the Department of Labor and Employment Security to administer a crime victim assistance program and the trust fund; providing guidelines to determine priority of crime victim assistance grants from the trust fund; creating s. 959.31, F.S., the Delinquency Prevention Act of 1988, to authorize delinquency prevention plans and programs thereunder; providing intent and definitions; authorizing the establishment of delinquency prevention councils and providing duties thereof; authorizing the Department of Health and Rehabilitative Services to award delinquency prevention program grants and providing application procedures therefor and conditions with respect thereto; providing an appropriation; limiting the authority of the direct-support organization with respect to the receipt of funds; providing legislative intent; amending s. 39.032, F.S.; changing detention procedures to authorize nonsecure detention in certain situations; changing the provisions for detention at a detention hearing; providing arraignment requirements; creating s. 39.0321, F.S.; providing for the prohibited use of detention; providing effective dates; providing a conditional effective date.

Amendment 1—On page 30, line 11, through page 47, line 29, strike all of said lines and insert:

Section 15. This act shall take effect upon the effective date of the amendment to the State Constitution contained in Senate Joint Resolution No. 135, which is to be submitted to the electors of this state for approval at the general election to be held in November 1988.

Amendment 2—In title, on page 3, line 14, through page 4, line 19, strike all of said lines and insert: such organizations; providing a contingent effective date.

On motions by Senator Lehtinen, the Senate concurred in the House amendments.

CS for CS for CS for SB 634 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Langley	Ros-Lehtinen
Barron	Grant	Lehtinen	Scott
Beard	Hair	Malchon	Stuart
Brown	Hill	Margolis	Thomas
Childers, D.	Hollingsworth	McPherson	Thurman
Childers, W. D.	Jenne	Meek	Weinstein
Deratany	Jennings	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Girardeau	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for HB 1519, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 1519—A bill to be entitled An act relating to Acquired Immunodeficiency Syndrome (AIDS); creating the Florida Health Care Professional Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; amending ss. 401.27, 455.213, 457.105, 457.107, 458.347, 459.0055, 459.008, 459.022, 460.408, 461.007, 463.007, 464.013, 465.009, 466.006, 466.007, 466.0135, 466.014, 467.009, 467.012, 468.1685, 468.1715, 468.209, 468.219, 468.307, 468.309, 486.031, 486.085, 486.102, 486.108, 490.005, 490.007, 491.005, and 491.007, F.S., and creating ss. 458.318, 460.4066, 461.0061, 462.185, 463.0061, 464.0091, 465.0071, and 468.3611, F.S.; requiring education in the transmission, control, treatment, and prevention of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) as a condition for licensure or certification of emergency medical technicians, paramedics, acupuncturists, physicians, physician's assistants, osteopathic physicians, osteopathic physician assistants, chiropractic physicians, podiatrists, naturopathic physicians, optometrists, nurses, pharmacists, dentists, dental hygienists, midwives, nursing home administrators, occupational therapists, occupational therapy assistants, radiologic technologists, respiratory therapists, physical therapists, physical therapist assistants, psychologists, school psychologists, clinical social workers, marriage and family therapists, and mental health counselors; requiring continuing education on HIV and AIDS as a condition for renewal of such licensure or certification; creating the Florida Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Education Act; creating s. 110.1125, F.S.; requiring state agencies to annually provide HIV and AIDS information to state employees; amending s. 232.246, F.S.; including an HIV and AIDS education component in the life management skills requirement for high school graduation; providing an exemption; amending s. 233.0672, F.S., relating to health education in the public schools; providing content of instruction in acquired immune deficiency syndrome, sexually transmitted diseases, and human sexuality; amending s. 233.067, F.S.; including such education component in the comprehensive health education and substance abuse prevention program for certain students; providing an exemption; amending s. 240.2097, F.S.; requiring the Board of Regents to develop a State University System policy relating to HIV and AIDS; requiring a statement of such policy in universities' student handbooks; creating s. 240.3192, F.S.; requiring each community college to develop such a policy; creating s. 381.609, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program to educate the public on HIV and AIDS; providing requirements and components; authorizing the department to enter into contracts; amending ss. 393.067, 394.457, 395.005, 397.031, 400.141, 400.452, 400.497, 400.562, 400.608, 400.621, and 402.305, F.S.; requiring education and training in the transmission, control, and prevention of HIV and AIDS for clients and staff at residential facilities for the developmentally disabled, patients and staff at mental health facilities, employees of licensed hospitals and ambulatory surgical centers, participants and personnel of DATAP programs, administrators and other staff of nursing homes and related health care facilities, agency personnel of home health services, certain personnel of adult day care centers, staff of hospice programs, persons providing care in adult foster homes, and personnel of child care facilities; amending ss. 476.144, 476.154, 477.019, 477.0201, 480.041, 480.0415, 483.051, and 483.154, F.S., and creating s. 470.0135, F.S.; requiring such education and training as a condition for licensure, certification, or registration, and renewal thereof, for funeral directors, embalmers, direct disposers, barbers, cosmetologists, specialty practitioners in cosmetology, masseurs, and clinical laboratory personnel; creating s. 943.172, F.S.; requiring basic skills training in HIV and AIDS for law enforcement officers; creating s. 945.35, F.S.; requiring a continuing education program in HIV and AIDS for all inmates and staff of correctional facilities; requiring an annual report; creating s. 381.607, F.S.; providing for certification of laboratories to perform HIV-related tests; requiring written, informed consent for tests; providing exceptions; requiring certain counseling; providing confidentiality; requiring certain confirmatory testing; providing exemptions; providing penalties; creating s. 381.608, F.S.; providing testing and other requirements for donation and transfer of human tissue; providing penalties; prohibiting discrimination in employment, housing, public accommodations, and government services, on the basis of HIV or AIDS; providing penalties; amending s. 760.10, F.S.; providing unlawful employment practices against persons with HIV or AIDS by employers, employment agencies, labor organizations, or joint labor-management committees; amending s. 760.22, F.S.; prohibiting discrimination in the sale, rental, or financing of housing; providing that HIV infection is not a material fact in transactions of real property; creating s. 381.610, F.S.; authorizing the Department of Health and Rehabilitative Services to establish patient care networks for care and treatment of persons with AIDS and AIDS-Related Complex (ARC); creating s. 381.611, F.S.; requiring the department to conduct epidemiological research; amending s. 381.703, F.S.; providing duties of the Statewide Health Council, local health councils, and department districts; amending s. 384.23, F.S.; including HIV within the definition of "sexually transmissible disease"; amending s. 384.24, F.S., relating to unlawful acts by persons with a sexually transmissible disease; amending s. 384.27, F.S.; providing requirements and restrictions for court-ordered physical examination and treatment; amending s. 384.28, F.S.; providing requirements and restrictions for court-ordered isolation, hospitalization, residential placement, or quarantine; creating s. 384.282, F.S.; protecting from dis-

closure the names of persons subject to court proceedings; amending ss. 384.34 and 796.08, F.S.; providing penalties for certain acts by persons with HIV infection; amending s. 624.155, F.S.; making the civil remedy apply to a violation of s. 627.429, F.S., for insurers; creating ss. 627.429 and 641.31092, F.S.; restricting inquiry and use of medical tests for HIV in underwriting life and health insurance policies, multiple-employer welfare arrangements, or health maintenance organization contracts; providing for counseling; providing for confidentiality; providing for certification of laboratories; restricting exclusions and limitations; amending s. 641.28, F.S.; providing a civil remedy; amending ss. 627.411 and 641.31, F.S.; providing for Department of Insurance disapproval of health insurance policies or HMO contracts which exclude or limit coverage for HIV or AIDS; creating ss. 627.6265 and 627.6646, F.S.; prohibiting certain cancellation or nonrenewal of individual and group health insurance policies; providing duties of the Departments of Professional Regulation and Health and Rehabilitative Services; providing for deferral of continuing education requirements for certain health care professionals; requiring the Social Services Estimating Conference to include in its forecasts the impact of Acquired Immune Deficiency Syndrome; providing for review and repeal; providing effective dates.

House Amendment 1 to Senate Amendment 1—On page 1, line 12, through page 57, line 6, strike all of said lines and insert:

Section 1. Section 381.607, Florida Statutes, is created to read:

381.607 Findings; intent.—The Legislature finds that Acquired Immune Deficiency Syndrome, otherwise known as AIDS, constitutes a serious and unique danger to the public health and welfare. The Legislature finds that Acquired Immune Deficiency Syndrome is transmitted by sexual activity, by intravenous drug use, or from an infected mother to a fetus and that public fear of contagion from casual contact is not supported by any scientific evidence. The Legislature finds that Acquired Immune Deficiency Syndrome is transmitted by a retrovirus which makes the possibility of development of an immunization or cure highly unlikely in the near future. The Legislature finds that, once infected, there is a high probability that an individual will develop Acquired Immune Deficiency Syndrome or a related syndrome and die a premature death as a result, but may live productively for years in a communicable state without showing any signs or symptoms of illness. The Legislature finds the unique methods of transmission of this disease, and its inevitably fatal course, have raised public fears; changed the attitudes of employers, insurers, educators, law enforcement personnel, and health and medical providers about dealing with the disease; and unexpectedly raised the medical costs of this state. The Legislature intends to establish programs and requirements related to Acquired Immune Deficiency Syndrome which carefully balance medical necessity, the right to privacy, and protection of the public from harm and which establish public programs for the care and treatment of persons with Acquired Immune Deficiency Syndrome and related conditions.

Section 2. Section 381.608, Florida Statutes, is created to read:

381.608 Education.—The Department of Health and Rehabilitative Services shall establish a program to educate the public about the threat of Acquired Immune Deficiency Syndrome.

(1) The Acquired Immune Deficiency Syndrome Education Program shall:

(a) Be designed to reach all segments of Florida's population;

(b) Contain special components designed to reach non-English speaking and other minority groups within the state;

(c) Impart knowledge to the public about methods of transmission of Acquired Immune Deficiency Syndrome and methods of prevention;

(d) Educate the public about transmission risks in social, employment, and educational situations;

(e) Educate health care workers and health facilities' employees about methods of transmission and prevention in their unique workplace environments;

(f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high risk for acquiring Acquired Immune Deficiency Syndrome;

(g) Provide information and consultation to state agencies to educate all state employees; and

(h) Provide information and consultation to state and local agencies to educate law enforcement and correctional personnel and inmates.

(i) Provide information and consultation to local governments to educate local government employees.

(j) Make information available to private employers and encourage them to distribute this information to their employees.

(k) Contain special components which emphasize appropriate behavior and attitude change.

(2) The program designed by the Department of Health and Rehabilitative Services shall utilize all forms of the media and shall place emphasis on the design of educational materials that can be used by businesses, schools, and health care providers in the regular course of their business.

(3) The department may contract with other persons in the design, development, and distribution of the components of the education program.

Section 3. Section 381.041, Florida Statutes, is created to read:

381.041 Requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.—

(1) The Department of Health and Rehabilitative Services shall require each person licensed or certified under chapter 401, chapter 467, part IV of chapter 468, and chapter 483 to complete an educational course approved by the department on the transmission, control, treatment and prevention of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome with an emphasis on appropriate behavior and attitude change. Each licensee or certificate holder shall submit confirmation on a form as provided by the department of having completed said course by July 1, 1989.

(2) Failure to complete the requirements of this section shall be grounds for disciplinary action contained in chapters specified in (1). In addition to discipline by the department, the licensee or certificate holder shall be required to complete said course.

(3) As of July 1, 1989, the department shall require as a condition of granting a license under the chapters specified in (1) that an applicant making initial application for licensure complete an educational course acceptable to the department on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. An applicant who has not taken a course at the time of licensure shall upon an affidavit showing good cause be allowed six months to complete this requirement.

(4) The department shall have the authority to adopt rules to carry out the provisions of this section.

(5) The department shall report to the Legislature by March 1 of each year, as to the implementation and compliance with the requirements of this section.

(6) This section shall be repealed on July 1, 1990.

Section 4. Section 455.2226, Florida Statutes, is created to read:

455.2226 Requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.—

(1) The board shall require each person licensed or certified under chapter 463, chapter 464, chapter 465, part II, part III, and part V of chapter 468, chapter 490 and chapter 491 to complete an educational course approved by the board on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. Each licensee shall submit confirmation on a form as provided by the board of having completed said course by July 1, 1989. The course shall consist of education on the transmission, control, treatment and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome with emphasis on appropriate behavior and attitude change.

(2) The board shall require each person licensed or certified under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, and chapter 470 to complete an educational course approved by the the board on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. Each licensee shall submit confirmation on a form as provided by the board of having completed said course by December 31, 1989. The course shall consist of education on the transmission, control, treatment and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome with emphasis on appropriate behavior and attitude change.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in (1) and (2).

(4) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and section 455.227(1)(g), Florida Statutes. In addition to discipline by the board, the licensee shall be required to complete said course.

(5) As of July 1, 1989, the board shall require as a condition of granting a license under the chapters specified in (1) and (2) that an applicant making initial application for licensure complete an educational course acceptable to the board on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. An applicant who has not taken a course at the time of licensure shall upon an affidavit showing good cause be allowed six months to complete this requirement.

(6) The board shall have the authority to adopt rules to carry out the provisions of this section.

(7) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(8) This section shall be repealed on July 1, 1990.

Section 5. Paragraph (g) is added to subsection (1) of section 455.227, Florida Statutes, to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee, if the board finds that:

(g) The licensee has failed to comply with the educational course requirements for Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

Section 6. *The Department of Professional Regulation and the Department of Health and Rehabilitative Services are hereby directed to begin planning for the implementation of the sections of this act which require, as a part of initial licensure, applicants for certain specified professions to complete an educational course on the transmission, control, treatment, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. Such planning shall include collecting information from the facilities and programs which educate and train the licensed professionals affected by the licensure requirements of this act and shall also include developing rules for the implementation of the licensure requirements.*

Section 7. *The Department of Health and Rehabilitative Services and the Department of Professional Regulation, shall jointly develop instructional material on the Human Immunodeficiency Virus, including information related to methods of transmission, education, and infection control. The materials developed under this section shall be provided to persons licensed under chapter 476, chapter 477 and chapter 480. Costs of production and distribution of the instructional materials on Human Immunodeficiency Virus described in this section shall be wholly assumed by the Department of Professional Regulation from the fees assessed by the licensing boards which regulate the professionals who are provided with educational materials under this section. To expeditiously and economically develop, produce, and distribute the instructional material required under this section, the Department of Health and Rehabilitative Services and the Department of Professional Regulation shall consult with the professional associations of professions to determine whether suitable instructional materials already exist that may be lawfully reproduced or reprinted.*

Section 8. *The Department of Health and Rehabilitative Services shall require all employees and clients of facilities licensed under chapter 393, chapter 394, and chapter 397 and employees of facilities licensed under chapter 395 and part I, II, III and V of chapter 400 to complete an educational course on the transmission, control, treatment and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome with an emphasis on appropriate behavior and attitude change. The department may adopt rules to carry out the provisions of this section. This section shall be repealed on July 1, 1992.*

Section 9. *The Department of Health and Rehabilitative Services shall develop educational materials and training about the transmission, control, and prevention of Human Immunodeficiency Virus infections and Acquired Immune Deficiency Syndrome and other communicable diseases relevant for use in those facilities licensed under the provisions of chapter 402.*

Section 10. Section 110.1125, Florida Statutes, is created to read:

110.1125 Information requirements; Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.—

(1) Each agency shall provide to each new state employee, and to each state employee on an annual basis, an informational pamphlet about Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS). The pamphlet shall be written and printed by the Department of Health and Rehabilitative Services and shall contain information about the nature and extent of HIV and AIDS, methods of transmission and preventive measures, and referral services.

Section 11. Section 943.172, Florida Statutes, is created to read:

943.172 Basic skills training on Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.—The commission shall establish standards for instruction of law enforcement officers in the subject of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome. Instruction shall include information of known modes of transmission and methods of controlling and preventing Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome with emphasis on appropriate behavior and attitude change.

Section 12. Section 945.35, Florida Statutes, is created to read:

945.35 Requirement for education on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.—

(1) The Department of Corrections, in conjunction with the Department of Health and Rehabilitative Services, shall establish a mandatory introductory and continuing education program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome for all inmates. Programs shall be specifically designed for inmates while incarcerated and in preparation for release into the community. Consideration shall be given to cultural and other relevant differences among inmates in the development of educational materials and shall include emphasis on behavior and attitude change. The education program shall be continuously updated to reflect the latest medical information available.

(2) The Department of Corrections, in conjunction with the Department of Health and Rehabilitative Services, shall establish a mandatory education program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome with an emphasis on appropriate behavior and attitude change to be offered on an annual basis to all staff in correctional facilities, including new staff.

(3) When there is evidence that an inmate, while in the custody of the department, has engaged in behavior which places the inmate at a high risk of transmitting or contracting a Human Immunodeficiency disorder, the department may begin a testing program which is consistent with guidelines of the Centers for Disease Control and recommendations of the Correctional Medical Authority. For purposes of this subsection, "high-risk behavior" includes:

1. Sexual contact with any person.

2. An altercation involving exposure to body fluids.

3. The use of intravenous drugs.

4. Tattooing.

5. Any other activity medically known to transmit the virus.

(4) The results of such tests shall become a part of that inmate's medical file, accessible only to persons designated by agency rule.

(5) The department shall establish policies consistent with guidelines of the Centers for Disease Control and recommendations of the Correctional Medical Authority on the housing, physical contact, dining, recreation, and exercise hours or locations for inmates with immunodeficiency disorders as are medically indicated and consistent with the proper operation of its facilities.

(6) The department shall report to the Legislature by March 1 each year as to the implementation of this program and the participation by inmates and staff.

Section 13. Section 951.27, Florida Statutes, is created to read:

951.27 Blood tests of inmates.—

(1) Each county and each municipal detention facility shall have a written procedure developed, in consultation with the facility medical provider, establishing conditions under which an inmate will be tested for infectious disease. Such procedure shall be consistent with guidelines of the Centers for Disease Control and recommendations of the Correctional Medical Authority. It is not unlawful for the person receiving the test results to divulge the test results to the sheriff or chief correctional officer. However, such information is exempt from the provisions of ss. 119.01 and 119.07.

(2) Serologic blood test results obtained pursuant to subsection (1) are confidential except they may be shared with employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(3) The results of any serologic blood test on an inmate shall become a part of that inmate's permanent medical file. Upon transfer of the inmate to any other correctional facility, such file shall be transferred in an envelope marked confidential.

Section 14. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1)

(b) Beginning with the 1986-1987 school year and each year thereafter, successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature.

2. Three credits in mathematics.

3. Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

4. One credit in American history.

5. One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems in fulfillment of the requirements of s. 233.064.

6. One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

7. One-half credit in American government.

8. One-half credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one-half credit in practical arts or exploratory vocational education provided in this subparagraph.

9. One-half credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one-half credit in performing arts pursuant to this subparagraph.

10. One-half credit in life management skills to include consumer education, positive emotional development, nutrition, *prevention of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome and other sexually transmissible diseases,* information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

11. One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

12. Nine elective credits.

Section 15. Section 233.0672, Florida Statutes, is amended to read:

233.0672 Health education; instruction in acquired immune deficiency syndrome.—

(1) Each district school board may provide instruction in acquired immune deficiency syndrome education as a specific area of health education. Such instruction may include, but not be limited to, the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding acquired immune deficiency syndrome and its prevention.

(2) Throughout instruction in Acquired Immune Deficiency Syndrome, sexually transmitted diseases, or health education, when such instruction contains instruction in human sexuality, a school shall:

(a) Teach abstinence from sexual activity outside of marriage as the expected standard for all school age children.

(b) Include that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems.

Section 16. Subsection (3) and paragraph (c) of subsection (4) of section 233.067, Florida Statutes, are amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(3) DEFINITIONS.—As used in this section, the term "comprehensive health education" includes, but is not limited to, such concerns as mental and emotional health, *sexually transmissible diseases, Human Immunodeficiency Virus infection, Acquired Immune Deficiency Syndrome* ~~venereal diseases~~ and other communicable diseases, substance abuse (including alcohol and tobacco), environmental health, safety and emergency care, nutrition and food management, personal health and hygiene, dental health, hereditary diseases, developmental disabilities, growth and development, and consumer health and careers.

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following:

1. Implementation of inservice education programs for teachers, counselors, and other persons, *which programs deal with comprehensive health education, substance abuse prevention, and prevention of sexually transmissible diseases, especially Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.* Such inservice education programs shall be consistent with the 5-year master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decision-making skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decision making, resisting peer pressure, self-concept building skills, and identifying and dealing with situations that pose a risk to one's health and may lead to substance abuse.

5. Instruction in the causes, transmission, and prevention of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome and other sexually transmissible diseases for students. Such instruction shall be included in appropriate middle school or junior high school health and science courses and in life management skills and other high school courses. Any student whose parent makes written request to the school principal shall be exempt from AIDS instructional activities. Curriculum frameworks for AIDS education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

~~6.~~5. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

~~7.~~6. Development of training programs to allow the use of school food service personnel as resource persons.

Section 17. *The Secretary of the Department of Health and Rehabilitative Services shall, by September 1, 1988, appoint a nine member study group to examine the need for local school authorities to know the Human Immunodeficiency Virus infection status of students and school personnel. The members shall include the state health officer or his designee, who will chair the study group, a representative of the Department of Education, a representative of local public health school health services, school boards, physicians, nurses, each teachers union, and a child advocacy group. The Secretary shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1989.*

Section 18. Subsections (2) and (3) of section 240.2097, Florida Statutes, are amended and a new subsection (4) is added to said section to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(2) Each university shall provide registration opportunities for transfer students that allow such students access to high demand courses comparable to that provided native students. Further, each university that provides an orientation program for freshman enrollees shall also provide orientation programs for transfer students. *Each orientation program for freshmen or transfer students shall include education on the transmission and prevention of Human Immunodeficiency Virus with emphasis on behavior and attitude change.*

(3) Each university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, ~~and~~ a roster of contact persons within the administrative staff available to respond to student inquiries, *and a statement as to the State University System policy on Acquired Immune Deficiency Syndrome including the name and telephone number of the university Acquired Immune Deficiency Syndrome counselor.*

(4) The development of a comprehensive State University System policy that addresses the provision of instruction, information, and activities regarding Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome. Such instruction, information, or activities shall emphasize the known modes of transmission of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome, signs and symptoms, associated risk factors, appropriate behavior and attitude change and means used to control the spread of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.

Section 19. Section 240.3191, Florida Statutes, is created to read:

240.3191 Community college student handbooks.—

(1) Each community college shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries.

(2) Each student handbook shall list the legal and community college specific sanctions that will be imposed upon students who violate the law or community college policies regarding controlled substances and alcoholic beverages.

(3) Each student handbook shall provide information related to AIDS education or identify sites from which AIDS education information may be obtained.

Section 20. Section 240.3192, Florida Statutes, is created to read:

240.3192 Community colleges; HIV and AIDS policy.—Each community college shall develop a comprehensive policy that addresses the provision of instruction, information, and activities regarding Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome. Such instruction, information, or activities shall emphasize the known modes of transmission of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome, signs and symptoms, associated risk factors, appropriate behavior and attitude change and means used to control the spread of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome.

Section 21. Section 381.609, Florida Statutes, is created to read:

381.609 Testing for Human Immunodeficiency Virus.—

(1) LEGISLATIVE INTENT.—The Legislature finds that the use of tests designed to reveal a condition indicative of Human Immunodeficiency Virus infection can be a valuable tool in protecting the public health. The Legislature finds that despite existing laws, regulations, and professional standards which require or promote the informed, voluntary, and confidential use of tests designed to reveal Human Immunodeficiency Virus infection, many members of the public are deterred from seeking such testing because they misunderstand the nature of the test or fear that test results will be disclosed without their consent. The Legislature finds that the public health will be served by facilitating informed, voluntary, and confidential use of tests designed to detect Human Immunodeficiency Virus infection.

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(a) No person in this state shall perform a test designed to identify the Human Immunodeficiency Virus, or its antigen or antibody, without first obtaining the informed consent of the person upon whom the test is being performed, except as specified elsewhere in law. Informed consent shall be preceded by an explanation of the test, including its purpose, potential uses, and limitations and the meaning of its results. Consent need not be in writing provided there is documentation in the medical record that the test has been explained and the consent has been obtained.

(b) Informed consent must be obtained from a legal guardian or other person authorized by law when the person is not competent or is otherwise unable to make an informed judgment or has not reached the age of majority.

(c) No person shall order a test without making available to the person tested, prior to the test, information regarding measures for the prevention of, exposure to, and transmission of Human Immunodeficiency Virus.

(d) No test result shall be determined as positive, and no positive test result shall be revealed to any person, without corroborating or confirmatory tests being conducted.

(e) No test result shall be revealed to the person upon whom the test was performed without affording that person the immediate opportunity for individual, face-to-face counseling about:

1. The meaning of the test results;

2. The possible need for additional testing;

3. Measures for the prevention of the transmission of the Human Immunodeficiency Virus infection;

4. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;

5. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to the Human Immunodeficiency Virus infection and any individual whom the infected individual may have exposed to such Human Immunodeficiency Virus infection; and

6. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 5.

(f) No person, who has obtained or has knowledge of a test result pursuant to this section, may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.

2. Any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative.

3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.

4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment.

5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.

6. A health facility or health care provider which procures, processes, distributes, or uses:

a. A human body part from a deceased person, with respect to medical information regarding that person; or

b. Semen provided prior to the effective date of this section for the purpose of artificial insemination.

7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews.

8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.

9. A person allowed access by a court order which is issued in compliance with the following provisions:

a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future Human Immunodeficiency Virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.

b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially, in documents not filed with the court.

c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he is not already a party.

d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure, which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days.

(3) PUBLIC HEALTH UNIT NETWORK OF VOLUNTARY HUMAN IMMUNODEFICIENCY VIRUS TESTING PROGRAMS.—

(a) The Department of Health and Rehabilitative Services shall establish a network of voluntary Human Immunodeficiency Virus testing programs in every county in the state. These programs shall be conducted in each public health unit established under the provisions of chapter 154, part I. Additional programs may be contracted to other private providers to the extent that finances permit and local circumstances dictate.

(b) Each public health unit shall have the ability to provide counseling and testing for Human Immunodeficiency Virus to each patient who receives services and shall offer such testing on a voluntary basis to each patient who presents himself for services in a public health program designated by the State Health Officer by rule.

(c) Each public health unit shall provide a program of counseling and testing for Human Immunodeficiency Virus infection, on an anonymous or confidential basis, dependent on the patient's desire. The Department of Health and Rehabilitative Services shall continue to provide for anonymous testing through an alternative testing site program.

(d) The result of a serologic test conducted under the auspices of the Department of Health and Rehabilitative Services shall not be used to determine if a person may be insured for disability, health, or life insurance or to screen or determine suitability for, or to discharge a person from, employment. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS; REGISTRATION WITH THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES; EXEMPTIONS FROM REGISTRATION.—No public health unit and no other person in this state shall conduct or hold themselves out to the public as conducting a testing program for Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus status without first registering with the Department of Health and Rehabilitative Services, complying with all other applicable provisions of state law, and meeting the following requirements:

(a) The program must be directed by a person with a minimum number of contact hours of experience in the counseling of persons with Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus infection, as established by the Department of Health and Rehabilitative Services by rule.

(b) The program must have all medical care supervised by a physician licensed under the provisions of chapter 458 or chapter 459.

(c) The program shall have all laboratory procedures performed in a laboratory licensed under the provisions of chapter 483.

(d) The program must meet all the informed consent criteria contained in subsection (1).

(e) The program must provide pretest counseling on the meaning of a test for Human Immunodeficiency Virus, including medical indications for the test; the possibility of false positive or false negative results; the potential need for confirmatory testing; the potential social, medical, and economic consequences of a positive test result; and the need to eliminate high-risk behavior.

(f) The program must provide supplemental corroborative testing on all positive test results before the results of any positive test is provided to the patient.

(g) The program must provide face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; the social, medical, and economic consequences of a positive test result; and the need to eliminate behavior which might spread the disease to others.

(h) Each person providing post-test counseling to a patient with a positive test result shall receive specialized training, to be specified by rule of the department, about the special needs of persons with positive results, including recognition of possible suicidal behavior, and shall refer the patient for further health and social services as appropriate.

(i) When services are provided for a charge during pretest counseling, testing, supplemental testing, and post-test counseling, the program must provide a complete list of all such charges to the patient and the Department of Health and Rehabilitative Services.

(j) Nothing in this subsection shall be construed to require a facility licensed under chapter 483 or a person licensed under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, or chapter 467 to register with the Department of Health and Rehabilitative Services if he does not advertise or hold himself out to the public as conducting testing programs for Human Immunodeficiency Virus infection or specializing in such testing.

(5) PENALTIES.—

(a) Any violation of this section by a licensed health care provider shall be a ground for disciplinary action contained in the professional's respective licensing chapter.

(b) Any person who intentionally violates the confidentiality provisions of this section and s. 951.27 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) EXEMPTIONS.—Except as provided in (3)(d) and ss. 627.429 and 641.3109, insurers and others participating in activities related to the insurance application and underwriting process shall be exempt from this section.

(7) MODEL PROTOCOL FOR COUNSELING AND TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.—The Department of Health and Rehabilitative Services shall develop a model protocol consistent with the provisions of this section for counseling and testing persons for the Human Immunodeficiency Virus.

(8) RULES.—The Department of Health and Rehabilitative Services may adopt such rules as are necessary to implement this section.

Section 22. Section 381.6105, Florida Statutes, is created to read:

381.6105 Donation and transfer of human tissue; testing requirements.—

(1) Every donation of blood, plasma, organs, skin, or other human tissue for transfusion or transplantation to another shall be tested prior to transfusion or other use for Human Immunodeficiency Virus infection and other communicable diseases specified by rule of the Department of Health and Rehabilitative Services. Tests for the Human Immunodeficiency Virus infection shall be performed only after obtaining written, informed consent from the potential donor or the donor's legal representative. Obtaining consent shall include a fair explanation of the procedures to be followed and the meaning and use of the test results. Such explanation shall include a description of the confidential nature of the test as described in s. 381.609(2). If consent for testing is not given, then the person shall not be accepted as a donor.

(2) Notwithstanding the provisions of subsection (1), written, informed consent to perform testing shall not be required where the blood, plasma, organ, skin, or other human tissue is received for processing or testing from an out-of-state blood bank or where blood or tissue is received from a health care facility or health care provider for reference testing or processing and the results of such test are reported back to the facility or provider.

(3) No person shall collect any blood, organ, skin, or other human tissue from one human being and hold it for, or actually perform, any implantation, transplantation, transfusion, grafting, or any other method of transfer to another human being without first testing such tissue for the Human Immunodeficiency Virus and other communicable diseases specified by rule of the Department of Health and Rehabilitative Services, or without performing another process approved by rule of the Department of Health and Rehabilitative Services capable of killing the causative agent of those diseases specified by rule. Such testing shall not be required when there is insufficient time to perform testing because of a life-threatening emergency circumstance and the blood is transferred with the recipient's informed consent.

(4) All human blood, organs, skin, or other human tissue which is to be transfused or transplanted to another and is found positive for Human Immunodeficiency Virus or other communicable disease specified by rule of the Department of Health and Rehabilitative Services shall be rendered noncommunicable by the person holding the tissue or shall be destroyed, unless the human tissue is specifically labeled to identify the Human Immunodeficiency Virus and:

1. Is used for research purposes; or

2. Is used to save the life of another and is transferred with the recipient's informed consent.

(5) Each person who collects human blood, organs, skin, or other human tissue, who finds evidence after confirmatory testing of Human Immunodeficiency Virus in the donor, shall notify the donor of the presence of the virus. When notifying the donor pursuant to this requirement, the donor shall be provided the following information:

(a) The meaning of the test results;

(b) Measures for the prevention of the transmission of the Human Immunodeficiency Virus;

(c) The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;

(d) The benefits of locating and counseling any individual by whom the infected individual may have been exposed to Human Immunodeficiency Virus and any individual whom the infected individual may have exposed to the virus; and

(e) The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in paragraph (d).

(6) Any blood donor who tests positive for Human Immunodeficiency Virus based upon confirmatory testing shall be notified in the following manner:

(a) The donor shall be sent written notification by certified mail that abnormal test results exist with respect to his blood donation, and the blood bank shall offer the opportunity to discuss the nature and significance of the findings by telephone or in person.

(b) If the blood bank does not receive a response from the donor within 30 days, it shall send the actual test results and the information required by subsection (5) to the donor by certified mail.

(7) The Department of Health and Rehabilitative Services shall develop, in conjunction with persons who collect human tissue, a model protocol for providing the information required in subsection (5).

(8) All blood banks shall be governed by the confidentiality provisions of s. 381.609(2).

(9) The Department of Health and Rehabilitative Services is authorized to adopt rules to implement this section. In adopting rules pertaining to this section, the department shall consider the rules of the United States Food and Drug Administration and shall conform to those rules to the extent feasible without jeopardizing the public health.

(10)(a) Any person who fails to test blood, plasma, organs, skin, or other human tissue which is to be transfused or transplanted, or violates the confidentiality provisions required by this section, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who has Human Immunodeficiency Virus infection, who knows he is infected with Human Immunodeficiency Virus, and who has been informed that he may communicate this disease by donating blood, plasma, organs, skin, or other human tissue who donates blood, plasma, organs, skin, or other human tissue is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(11) Prior to the transplant of an organ or artificial insemination, the institution or physician responsible for overseeing the procedure must provide the prospective recipient a warning as to the risks of contracting Human Immunodeficiency Virus.

Section 23. Section 381.614, Florida Statutes, is created to read:

381.614 Epidemiological research.—

(1) The Department of Health and Rehabilitative Services may conduct studies concerning the epidemiology of Acquired Immune Deficiency Syndrome and other diseases in Florida. These studies shall not duplicate national studies, but shall be designed to provide special insight and understanding into Florida-specific problems, given this state's unique climate and geography, demographic mix, and high rate of immigration.

(2) Epidemiological studies designed by the Department of Health and Rehabilitative Services shall emphasize practical applications and utility in the control of communicable disease. These studies shall, to the maximum extent possible, use state and local public health workers as field teams, study design team members, reviewers, and co-authors. Epidemiological studies conducted pursuant to this section shall be directed by the State Health Officer or his designee; shall, as a first priority, investigate the rates and incidence of Human Immunodeficiency Virus infection in Florida; and shall provide geographic and other displays of the data as appropriate.

(3) The Department of Health and Rehabilitative Services shall work with the various universities and colleges in this state, including, but not limited to, the College of Public Health at the University of South Florida, when it deems it appropriate and necessary in carrying out such studies.

Section 24. Subsection (12) is added to section 499.005, Florida Statutes, to read:

499.005 Prohibited acts.—The following acts, and the causing thereof, within this state are prohibited:

(12) The sale, delivery, holding, or offering for sale of any self-testing kits designed to tell persons their status concerning Human Immundodeficiency Virus or Acquired Immune Deficiency Syndrome or related disorders or conditions.

Section 25. Paragraph (dd) is added to subsection (6) of section 499.0054, Florida Statutes, to read:

499.0054 Advertising and labeling of drugs, devices, and cosmetics.—The following acts and the causing thereof are violations of the Florida Drug and Cosmetic Act:

(6) The advertising of any drug or device represented to have any effect in any of the following conditions, disorders, diseases, or processes:

(dd) Human Immundodeficiency Virus or Acquired Immune Deficiency Syndrome or related disorders or conditions.

Section 26. Subsection (3) of section 384.23, Florida Statutes, is amended to read:

384.23 Definitions.—

(3) "Sexually transmissible disease" means a bacterial, viral, fungal, or parasitic disease, determined by rule of the department to be sexually transmissible, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and Human *Immune Deficiency* ~~T-lymphotropic~~ Virus ~~type III (HTLV-III)~~ infection for designation, and shall consider the recommendations and classifications of the centers for disease control and other nationally recognized medical authorities. Not all diseases that are sexually transmissible need be designated for the purposes of this act.

Section 27. Section 384.24, Florida Statutes, is amended to read:

384.24 Unlawful acts.—It is unlawful for any person who has chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, or Human *Immune Deficiency* ~~T-lymphotropic~~ Virus ~~type III (HTLV-III)~~ infection, when such person knows he is infected with one or more of these diseases and when such person has been informed that he may communicate this disease to another person through sexual intercourse, to have sexual intercourse with any other person, unless such other person has been informed of the presence of the sexually transmissible disease *and has consented to the sexual intercourse.*

Section 28. Subsection (2) of section 384.25, Florida Statutes, is amended to read:

384.25 Reporting required.—

(2) The department shall adopt rules specifying the information required in and a minimum time period for reporting a sexually transmissible disease. In adopting such rules, the department shall consider the need for information, protections for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. *The department* ~~Rules pursuant to reporting of HTLV-III infection shall be limited to physician reporting and~~ shall *require reporting of* ~~include only~~ physician diagnosed cases of Acquired Immune Deficiency Syndrome (AIDS) and AIDS Related Complex based upon diagnostic criteria from the Centers for Disease Control of the United States Public Health Service. *The department may require reporting of cases of Human Immunodeficiency Virus infection by July 1, 1989, but is prohibited from requiring the reporting of or collection of any information which would identify individual persons, including: name, address, identifying numbers or symbols, or any other identifying information.*

Section 29. Section 384.27, Florida Statutes, is amended to read:

384.27 Physical examination and treatment.—

(1) Subject to the provisions of *subsections* ~~subsection~~ (3) *and (4)*, the department and its authorized representatives may examine or cause to be examined persons suspected of being infected with or exposed to a sexually transmissible disease.

(2) Subject to the provisions of *subsections* ~~subsection~~ (3) *and (4)*, persons with a sexually transmissible disease shall report for *appropriate* ~~complete~~ treatment to a physician licensed under the provisions of chapter 458 or chapter 459, or shall submit to treatment at a county public health unit or other public facility ~~until the disease is noncommunicable~~.

(3) No person shall be apprehended, examined, or treated for a sexually transmissible disease against his will, except upon the *order of* ~~presentation of a warrant duly authorized by~~ a court of competent jurisdiction. In *petitioning the court for a hearing for such an order* ~~requesting the issuance of such a warrant~~, the department shall show by *clear and convincing* ~~a preponderance of~~ evidence that a threat to the public's health and welfare exists unless such warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available.

(4) No order requiring a person to be examined or treated for a sexually transmissible disease shall be issued unless:

(a) A hearing has been held of which the person has received at least 72 hours prior written notification and unless the person has received a list of the proposed actions to be taken and the reasons for each one.

(b) The person has the right to attend the hearing, to cross-examine witnesses, and to present evidence.

(c) The person has a right to an attorney to represent him, and to have an attorney appointed on his behalf if he cannot afford one.

(5) In issuing an order requiring a person to be examined or treated, the court may, at the request of the department and upon a showing of good cause, also order the person to participate in a designated education or counseling program, or appear before the department at regular intervals for periodic retesting, or both, as the court determines appropriate based on the person's actions, statements, and risk to the public.

(6) When a sexually transmissible disease is not capable of being treated on an outpatient basis in order to render it noncommunicable, or when a sexually transmissible disease can be treated only by requiring hospitalization, placement in a residential facility, or other similar methods, the provisions of s. 384.28 rather than this section shall be applied. However, a person may be examined for this type of sexually transmissible disease under the provisions of this section.

Section 30. Section 384.28, Florida Statutes, is amended to read:

384.28 *Hospitalization, placement and residential* ~~Quarantine and~~ isolation.—

(1) Subject to the provisions of *subsections* ~~subsection~~ (2) *and (3)*, the department may *petition the circuit court to* order a person to be isolated, *hospitalized, placed in another health care or residential facility, or isolated from the general public in his own or another's residence,* or a place to be ~~quarantined and~~ made off limits to the public as a result of the probable spread of a sexually transmissible disease, until such time as the condition can be corrected or the threat to the public's health eliminated or reduced in such a manner that a substantial threat to the public's health no longer exists.

(2) No person may be ordered to be isolated, *hospitalized, placed in another health care or residential facility, or isolated from the public in his own or another's residence,* and no place may be ordered to be *made off limits* ~~quarantined~~, except upon the order of a court of competent jurisdiction and upon proof:

(a) By the department by clear and convincing evidence that the public's health and welfare are significantly endangered by a person with a sexually transmissible disease or by a place where there is a significant amount of sexual activity likely to spread a sexually transmissible disease;~~, and~~

(b) That the person with the sexually transmissible disease has been counseled about the disease, about the significant threat the disease poses to other members of the public, and about methods to minimize the risk to the public and despite such counseling indicates an intent to expose the public to infection from the sexually transmissible disease; and

(c)~~(b)~~ That all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.

(3) No person may be ordered to be hospitalized, placed in another health care or residential facility, or isolated in his own or another's residence by a court unless:

(a) A hearing has been held of which the person has received at least 72 hours prior written notification and unless the person has received a list of the proposed actions to be taken and the reasons for each one.

(b) The person has the right to attend the hearing, to cross-examine witnesses, and to present evidence.

(c) The person has a right to an attorney to represent him, and to have an attorney appointed on his behalf if he cannot afford one.

(4) An order for hospitalization, placement in another health or residential facility, or isolation from the general public in his own or another's residence, if issued, will be valid for no more than 120 days, or for a shorter period of time if the department, or the court upon petition, determines that the person no longer poses a substantial threat to the community. Orders for hospitalization, placement, or isolation in a residence may contain additional requirements for adherence to a treatment plan or participation in counseling or education programs as appropriate. Such orders may not be renewed without affording the person all rights conferred in subsections (2) and (3).

(5) No order for hospitalization or placement in another health care or residential facility may require the placement of a person under the age of 18 years in a unit of a facility where adults reside or have been hospitalized or placed.

(6) No order for hospitalization or placement in another health care or residential facility shall require the placement of a person in a facility designated for the treatment of Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus infection when that facility contains the maximum number of persons for which the Legislature has appropriated funds in the annual appropriations act.

(7) The department is authorized to establish, directly or by contract, facilities to serve persons ordered to be hospitalized or placed in another health care or residential facility pursuant to a court order under this section.

(8) The court, counsel, and local law enforcement officials, as appropriate, shall consult with the department to determine advisable infection control procedures to be taken during any court hearing or detention concerning a person infected with a sexually transmissible disease.

~~(3) This section shall be considered supplemental to the existing authorities and powers of the department and shall not be construed to restrain or restrict the department in protecting the public health under other sections of law.~~

Section 31. Section 384.281, Florida Statutes, is created to read:

384.281 Prehearing detention.—

(1) The department may file a petition before a circuit court requesting that a prehearing detention order be placed on a person when the department provides evidence that:

(a) The person is infected with a sexually transmitted disease;

(b) The person is engaging in behaviors which create an immediate and substantial threat to the public;

(c) The person evidences an intentional disregard for the health of the public and refuses to conduct himself in such a manner as to not place others at risk; and

(d)1. The person will not appear at a hearing scheduled under s. 384.27 or s. 384.28; or

2. The person will leave the jurisdiction of the court prior to his hearing date; and

3. The person will continue to expose the public to the risk of a sexually transmissible disease until his hearing date.

(2) No prehearing detention order may be issued unless the court finds that:

(a) The department has requested a hearing under s. 384.27 or s. 384.28 to consider the examination, treatment, or placement of the person infected with a sexually transmissible disease;

(b) The department presents evidence that a substantial danger to the public health will exist unless the prehearing detention order is issued;

(c) The department has no other reasonable alternative means of reducing the threat to the public health; and

(d) The department is likely to prevail on the merits in a hearing under s. 384.27 or s. 384.28.

(3) When issuing an order for a prehearing detention, the court shall direct the sheriff to immediately confine the person infected with or reasonably suspected of being infected with a sexually transmissible disease. The sheriff shall confine and isolate the person in such a manner as required by the court. The sheriff, counsel, and the court shall consult with the department concerning advisable methods of infection control to be undertaken in order to reduce the opportunity for the disease to spread to other persons.

(4) A person detained under this section shall be taken before a judicial officer for bail determination within 24 hours of detention. The purpose of a bail determination is to ensure the appearance of the person detained at the hearing scheduled pursuant to s. 384.27 or s.

384.28. When determining whether to release the person on bail or other conditions, and what the bail or those conditions may be, the court shall consider the person's past and present conduct, previous flight to avoid prosecution, or failure to appear at court proceedings. The person detained is entitled to be represented by counsel and to have counsel appointed on his behalf if he cannot afford one. The person is entitled to present witnesses and evidence, and to cross-examine witnesses.

(5) A person detained under this section may apply for a writ of habeas corpus attacking the detention.

(6) Upon motion of the person confined under a detention order, the notice periods for hearings required under s. 384.27 or s. 384.28 may be waived. In no case may an order for a detention under this section exceed 3 days.

Section 32. Section 384.282, Florida Statutes, is created to read:

384.282 Naming of parties.—

(1) When requesting an order from a circuit court under the provisions of s. 384.27, s. 384.28, or s. 384.281, the department shall substitute a pseudonym for the true name of the person to whom the order pertains. The actual name of the person shall be revealed to the court only in camera, and the court shall seal such name from further revelation.

(2) All court decisions, orders, petitions, and other formal documents shall be styled in a manner to protect the name of the party from public revelation.

(3) The department and its authorized representatives, the court, and other parties to the lawsuit shall not reveal the name of any person subject to these proceedings except as permitted in s. 384.29.

Section 33. Section 384.283, Florida Statutes, is created to read:

384.283 Service of notice and processes; sheriff to deliver person to state program.—

(1) All notices required to be given, all petitions and warrants, and all processes issued and all orders entered pursuant to ss. 384.27, 384.28, and 384.281 shall be served by the sheriff of the county in which the person alleged to be infected with a sexually transmissible disease resides or is found.

(2) The judge, in his order for hospitalization or placement in another health care or residential facility under s. 384.28, shall direct the sheriff of the county in which such person resides or is found to take the person into his custody and immediately deliver him to the director of the facility named in the order.

Section 34. Section 384.284, Florida Statutes, is created to read:

384.284 Forms to be developed.—The department shall develop and furnish to the circuit court all forms necessary under ss. 384.27, 384.28, and 384.281, and the court may use such forms as it determines appropriate.

Section 35. Section 384.285, Florida Statutes, is created to read:

384.285 Right of appeal; immediate release.—

(1) Any person who is aggrieved by the entry of an order under s. 384.27, s. 384.28, or s. 384.281 shall have the period of time provided by the Rules of Appellate Procedures within which to appeal said order. Every order entered under the terms of ss. 384.27, 384.28, and 384.281 shall be executed immediately unless the court entering such order or the appellate court, in its discretion, enters a supersedeas order and fixes the terms and conditions thereof.

(2) Any person who is examined, treated, hospitalized, placed in another health care or residential facility, isolated in his residence, or placed in emergency hold as a result of an order entered under s. 384.27, s. 384.28, or s. 384.281 may at any time petition the circuit court for immediate release and termination of the order.

(3) Any person petitioning a court for immediate release and termination of the order entered under authority of s. 384.27, s. 384.28, or s. 384.281 must show that the original order was issued by mistake or fraud, or:

(a) That there has been a substantial change in the original facts and circumstances upon which the order was issued; or

(b) That he no longer poses an immediate and substantial threat to the health and welfare of the public.

(4) When considering a petition for immediate release, and prior to making any release, the court shall consult the department and the patient's physician, if any, concerning the patient's medical condition and any other related factors that may affect the present and future danger to the public that may be caused by the patient's release.

(5) When granting a petition for immediate release, the court may impose those conditions it believes reasonably necessary to protect the public from infection with a sexually transmissible disease.

Section 36. Section 384.286, Florida Statutes, is created to read:

384.286 Temporary leave.—Persons who have been hospitalized, placed in another health care or residential facility, or isolated in their residence may be granted a short term temporary leave at the discretion of the department or its authorized representatives provided the department determines that the emergency leave will be closely monitored and will not endanger the public health. Temporary leave may be granted for therapeutic purposes, in the event of death or critical illness in the person's family, or for another emergency.

Section 37. Section 384.288, Florida Statutes, is created to read:

384.288 Fees and other compensation; payment by board of county commissioners.—

(1) For the services required to be performed under the provisions of ss. 384.27, 384.28, and 384.281, compensation shall be paid as follows:

(a) The sheriff shall receive the same fees and mileage as are prescribed for like services in criminal cases.

(b) The counsel appointed by the court to represent an indigent person shall receive such reasonable compensation as is fixed by the court appointing him.

(2) All court-related fees, mileage, and charges shall be taxed by the court as costs in each proceeding and shall be paid by the board of county commissioners out of the general fund or fine and forfeiture fund of the county.

Section 38. Section 384.34, Florida Statutes, is amended to read:

384.34 Penalties.—

(1) Any person who violates the provisions of s. 384.24~~, s. 384.26, or s. 384.29~~ is guilty of a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who violates the provisions of s. 384.26 or s. 384.29 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)~~(2)~~ Any person who maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(3)~~ Any person who violates the provisions of the department's rules pertaining to sexually transmissible diseases may be punished by a fine not to exceed $500 for each violation. Any penalties enforced under this subsection shall be in addition to other penalties provided by this act.

Section 39. Section 381.612, Florida Statutes, is created to read:

381.612 Patient care for persons with Human Immunodeficiency Virus infection.—The department may establish Acquired Immune Deficiency Syndrome Patient Care Networks in each region of the state where the numbers of cases of Acquired Immune Deficiency Syndrome and other Human Immunodeficiency Virus infections justifies the establishment of cost-effective regional patient care networks. Such networks shall be delineated by rule of the department, which shall take into account natural trade areas and centers of medical excellence that specialize in the treatment of Acquired Immune Deficiency Syndrome, as well as available federal, state, and other funds. Each patient care network shall include representation of persons with Human Immunodeficiency Virus infection; health care providers; business interests; the department, including, but not limited to, public health units; and local units of government. Each network shall plan for the care and

treatment of persons with Acquired Immune Deficiency Syndrome and Acquired Immune Deficiency Syndrome Related Complex in a cost-effective, dignified manner which emphasizes outpatient and home care. Once each year, beginning April 1989, each network shall make its recommendations concerning the needs for patient care to the department.

Section 40. Subsections (1) and (2) of section 381.703, Florida Statutes, are amended to read:

381.703 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(a) Local health councils are hereby established as public or private nonprofit agencies serving the counties of a district of the department. The members of each council shall be appointed in an equitable manner by the county commissions having jurisdiction in the respective district. Each council shall be composed of a number of persons equal to 1½ times the number of counties which compose the district or 12 members, whichever is greater. Each county in a district shall be entitled to at least one member on the council. The balance of the membership of the council shall be allocated among the counties of the district on the basis of population, rounded to the nearest whole number; except that in a district composed of only two counties, no county shall have fewer than four members. The department shall adopt a rule allocating membership of the various counties pursuant to this paragraph which designates the number of initial appointments from each county, the appointees who shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials, and which provides for an orderly rotation of the appointment of the various classifications of members among the counties in each district. The members of the consumer group shall include a representative number of persons over 60 years of age. A majority of council members shall consist of health care purchasers and health care consumers. The members of the local health council shall elect a chairman. Members shall serve for terms of 2 years and may be eligible for reappointment.

(b) Each local health council shall:

1. Develop a district plan, using uniform methodology as set forth by the department, which shall permit each local health council to develop goals and criteria based on its unique local health needs. The district plan shall be submitted to the department and updated periodically and shall be in a form prescribed by the department. The elements of a district plan which are necessary to the review of certificate-of-need applications for proposed projects within the district shall be adopted by the department as a part of its rules. The district plan shall include, but need not be limited to:

a. The availability, quality of care, efficiency, appropriateness, accessibility, extent of utilization, and adequacy of existing health care facilities and services and hospices in the district.

b. The need, availability, and adequacy of other health care facilities and services and hospices in the district, including outpatient care and ambulatory or home care services, which may serve as less costly alternatives to proposed or available health care facilities and services.

c. The probable economies and improvements in services that may be derived from operation of joint, cooperative, or shared health care and health planning resources.

d. The need in the district for special equipment and services which are not reasonably and economically accessible in adjoining areas.

e. The need for research and educational facilities, including, but not limited to, institutional and community training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels, and for other health care practitioners.

f. A description of: the existing care and treatment network for persons with Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and Acquired Immune Deficiency Syndrome Related Complex, as delineated in s. 381.612; an analysis of service and facility needs for the identified patient population; and recommendations on an annual basis to the department and the Legislature regarding additional service needs for such patients residing in the district.

2. Stimulate the development of cooperative arrangements relating to the health manpower training efforts of educational institutions and service institutions and the health manpower recruitment and retention efforts of medically underserved communities.

3. Identify and encourage community resources and mechanisms to facilitate consumer choice and market competition in health care by providing data, information, and analysis on charges, resource availability, and certification.

4. Advise the district administrator of the department on health care resource allocations, including federal block grant funds, and work with the district administrator, the district alcohol, drug abuse, and mental health planning councils, and the areawide agency on aging in developing and carrying out a health resources allocation plan.

5. Implement activities to increase public awareness of community health needs and emphasize advantages of preventive health activities and cost-effective health service selection.

6. Assist the department in carrying out data collection activities that relate to the functions set forth in this subsection.

7. Monitor the onsite construction progress, if any, of projects and report their findings to the department on forms provided by the department.

8. Advise and assist regional planning councils and local governments within each respective district on the development of optional plan elements to address the health goals and policies in the State Comprehensive Plan.

9. Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of state funds distributed to meet the needs of the medically indigent. A report on indigent care shall be prepared by each local health council and submitted to the Statewide Health Council no later than January 1 of each year. At a minimum, the report shall include the following elements:

a. An inventory of services within the district providing health care to Medicaid and medically indigent clients.

b. An assessment of the use of those services by Medicaid and medically indigent clients.

c. An evaluation of the population need within the district for indigent health care services and a determination of whether or not that need is being met.

d. A summary presentation of public opinion in communities throughout the district on the needs of the medically indigent and the services provided to meet these needs.

e. Recommendations for improving health care services for the medically indigent.

10. Have the responsibility in conjunction with the Department of Health and Rehabilitative Services and Statewide Health Council of planning and coordinating services at the local level for persons with Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Acquired Immune Deficiency Syndrome Related Complex.

(c) Local health councils may conduct public hearings pursuant to s. 381.709(3)(b).

(d) Local health councils may employ personnel to carry out the councils' purposes. Such personnel shall possess qualifications and be paid salaries commensurate with comparable positions in the Career Service System. However, such personnel shall not be deemed to be state employees.

(e) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources, and to perform studies related to local health planning in exchange for such funds, grants, or services. Each local health council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the department. The department shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year. Funds received by a local health council pursuant to this paragraph shall not be deemed to be a substitute for, or an offset against, any funding provided pursuant to subsection (3).

(2) STATEWIDE HEALTH COUNCIL.—The Statewide Health Council is hereby established as a state-level comprehensive health council which is advisory to the department. The Statewide Health Council shall be composed of the 11 chairmen of the local health councils, two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives. At least one of the two members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, respectively, shall be a health care consumer or a health care purchaser. Appointed members of the council shall serve for a 2-year term commencing on January 1 of each odd-numbered year. The Statewide Health Council shall:

(a) Advise the Governor, the Legislature, and the department on state health policy issues, state and local health planning activities, and state health regulation programs;

(b) Promote public awareness of state health care issues;

(c) Consult with local health councils, the Hospital Cost Containment Board, the Department of Insurance, the Department of Health and Rehabilitative Services, and other appropriate public and private entities, including health care industry representatives regarding the development of health policies;

(d) Review district health plans for consistency with state health goals and policies;

(e) Prepare a state report, which includes the evaluations by each local health council for its respective district, on the adequacy, appropriateness, and effectiveness of state funds distributed to meet the needs of the medically indigent;

(f) Assist the Department of Community Affairs in the review of local government comprehensive plans to ensure consistency with policy developed in the district health plans; and

(g) Conduct any other functions or studies and analyses falling under the purview of the mission, goals, and objectives above.

(h) Assist the local health councils in developing their analysis of service and facility needs for persons with Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome-Related Complex, or Human Immunodeficiency Virus infection within their district and advise the department on additional service needs for such persons in the state.

Section 41. *The Social Services Estimating Conference, as set forth in s. 216.136(6), F.S., shall include in its forecasts, an estimate of the potential impact of Acquired Immune Deficiency Syndrome on total state spending for health.*

Section 42. Paragraph (g) is added to subsection (6) of section 409.266, Florida Statutes, to read:

409.266 Medical assistance.—

(6) The following services may also be provided to eligible Medicaid recipients in addition to the federally required Medicaid services, provided that the department promulgates and enforces rules requiring appropriate program monitoring or prior authorization and review of services, coinsurance, bulk purchasing when fiscally beneficial, written certification from providers that services were rendered, and other procedures necessary to prevent fraud and abuse in the utilization of these services:

(g) Comprehensive community-based care for Medicaid eligible recipients with Human Immunodeficiency Virus infection, which shall be developed through a home and community-based waiver of federal regulations.

The department shall periodically review expenditures for these services, and if expenditure trends indicate a higher rate of utilization than can be funded by the current appropriation for these services, the secretary is authorized, after providing 2 weeks' notice to participating providers and eligible recipients, to either temporarily or permanently terminate reimbursement for these services. All providers and recipients of these services shall be subject to the penalty provisions of s. 409.325 regarding Medicaid fraud. Except as provided in this subsection, the department shall not require copayment or coinsurance on Medicaid services without legislative authorization. The department shall protect, to the extent possible under state and federal laws, the use of patient medical records.

Section 43. Section 455.2416, Florida Statutes, is created to read:

455.2416 Practitioner disclosure of confidential information; immunity from civil or criminal liability.—

(1) A practitioner regulated through the division of medical quality assurance of the department shall not be civilly or criminally liable for the disclosure of otherwise confidential information under the following circumstances:

(a) If a patient of the practitioner has tested positive for Human Immunodeficiency Virus discloses to the practitioner the identity of a spouse; and

(b) The practitioner recommends the patient notify the spouse of the positive test and refrain from engaging in sexual activity in a manner likely to transmit the virus and the patient refuses; and

(c) If pursuant to a perceived civil duty or the ethical guidelines of the profession, the practitioner reasonably and in good faith advises the spouse of the patient of the positive test and facts concerning the transmission of the virus.

(2) Notwithstanding the foregoing, a practitioner regulated through the division of medical quality assurance of the department shall not be civilly or ciminally liable for failure to disclose information relating to a positive test result for Human Immunodeficiency Virus of a patient to a spouse.

Section 44. Subsections (1), (3), and (4) of section 796.08, Florida Statutes, are amended, subsection (5) is renumbered as (7), and subsections (5) and (6) are added to said section to read:

796.08 Screening for sexually transmissible diseases; providing penalties.—

(1)(a) For the purposes of this section, "sexually transmissible disease" means a bacterial, viral, fungal, or parasitic disease, determined by rule of the department to be sexually transmissible, a threat to the public health and welfare, and a disease for which a legitimate public interest will be served by providing for regulation and treatment.

(b) In considering which diseases are to be designated as sexually transmissible diseases, the department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, and Human *Immune Deficiency* ~~T-lymphotropic~~ Virus ~~type III (HTLV-III)~~ infection for designation and shall consider the recommendations and classifications of the Centers for Disease Control and other nationally recognized authorities. Not all diseases that are sexually transmissible need be designated for purposes of this statute.

(3) Any person convicted of prostitution *or procuring another to commit prostitution with himself* under the provisions of s. 796.07, shall be required to undergo screening for a sexually transmissible disease under direction of the Department of Health and Rehabilitative Services and, if infected, shall submit to treatment and counseling as a condition of release from probation, community control, or incarceration. *Notwithstanding the provisions of s. 384.29, the results of any test conducted pursuant to this subsection shall be made available by the Department of Health and Rehabilitative Services to medical personnel, appropriate state agencies, or courts of appropriate jurisdiction to enforce the provisions of this chapter.*

(4) Any person who commits prostitution and who, prior to the commission of such crime, had tested positive for a sexually transmissible disease and knew or had been informed that he had tested positive for a sexually transmissible disease and that he could possibly communicate such disease to another person through sexual activity is guilty of a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution.

(5) Any person who commits prostitution by engaging in sexual activity in a manner likely to transmit the Human Immunodeficiency Virus and who, prior to the commission of such crime, had tested positive for Human Immunodeficiency Virus and knew or had been informed that he had tested positive for Human Immunodeficiency Virus and that he could possibly communicate such disease to another person through sexual activity is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person may be convicted and sentenced separately for a violation of this subsection and for the underlying crime of prostitution.

(6) Any person convicted of procuring another to commit prostitution with himself in a manner likely to transmit the Human Immunodeficiency Virus and who, prior to the commission of such crime, had tested positive for Human Immunodeficiency Virus and knew or had been informed that he had tested positive for Human Immunodeficiency Virus and that he could possibly communicate such disease to another person through sexual activity is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)~~(5)~~ The department or its authorized representatives may examine or cause to be examined any person or inmate who injures a law enforcement or correctional officer, or a firefighter or paramedic acting within the scope of employment. Evidence of injury and a statement by a licensed physician that the nature of the injury is such as to result in the transmission of a disease covered by this act shall constitute probable cause for issuance of a warrant duly authorized by a court of competent jurisdiction.

Section 45. *Discrimination on the basis of Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, and Human Immunodeficiency Virus prohibited.—*

(1) Any person with Acquired Immune Deficiency Syndrome, Acquired Immune Deficiency Syndrome Related Complex, or Human Immunodeficiency Virus shall have every protection made available to handicapped persons under sections 760.20-760.37, Florida Statutes, Fair Housing Act, and s. 504, Pub. L. No. 93-112, the Rehabilitation Act of 1973.

(2)(a) No person may require an individual to take a Human Immunodeficiency Virus related test as a condition of hiring, promotion, or continued employment, unless the absence of Human Immunodeficiency Virus infection is a bona fide occupational qualification for the job in question.

(b) No person may fail or refuse to hire or discharge any individual, segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of a Human Immunodeficiency Virus-related test, unless the absence of Human Immunodeficiency Virus infection is a bona fide occupational qualification of the job in question.

(c) A person who asserts that a bona fide occupational qualification exists for Human Immunodeficiency Virus-related testing shall have the burden of proving that:

1. The Human Immunodeficiency Virus-related test is necessary to ascertain whether an employee is currently able to perform in a reasonable manner the duties of the particular job or whether an employee will present a significant risk of transmitting Human Immunodeficiency Virus infection to other persons in the course of normal work activities; and

2. There exists no means of reasonable accommodation short of requiring the test.

(3)(a) A person may not discriminate against an otherwise qualified individual in housing, public accommodations, or governmental services on the basis of the fact that such individual is, or is regarded as being, infected with Human Immunodeficiency Virus.

(b) A person or other entity receiving or benefiting from state financial assistance may not discriminate against an otherwise qualified individual on the basis of the fact that such individual is, or is regarded as being, infected with Human Immunodeficiency Virus.

(c) A person who asserts that an individual who is infected with Human Immunodeficiency Virus is not otherwise qualified shall have the burden of proving that no reasonable accommodation can be made to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with Human Immunodeficiency Virus.

(d) No person may fail or refuse to hire or discharge any individual, segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the fact that the individual is a licensed health care professional who treats or provides patient care to persons infected with Human Immunodeficiency Virus.

(4)(a) Any person aggrieved by a violation of this section shall have a right of action in the circuit court and may recover for each violation:

1. Against any person who violates a provision of this section, liquidated damages of $1,000 or actual damages, whichever is greater.

2. Against any person who intentionally or recklessly violates a provision of this section, liquidated damages of $5,000 or actual damages, whichever is greater.

3. Reasonable attorney's fees.

4. Such other relief, including an injunction, as the court may deem appropriate.

(b) Nothing in this section limits the right of the person aggrieved by a violation of this section to recover damages or other relief under any other applicable law.

Section 46. *(1) The fact that an occupant of real property is infected or has been infected with Human Immunodeficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome is not a material fact that must be disclosed in a real estate transaction.*

(2) No cause of action arises against an owner of real property or his or her agent, or any agent of a transferee of real property, for the failure to disclose to the transferee that an occupant of that property was infected with Human Immunodeficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome.

Section 47. Section 627.429, Florida Statutes, is created to read:

627.429 Medical tests for Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome for insurance purposes.—

(1) PURPOSE.—The purpose of this section is to prohibit unfair practices in the indemnity of life and health insurance with respect to exposure to the Human Immunodeficiency Virus infection and related matters, and thereby reduce the possibility that a person may suffer unfair discrimination when purchasing life and health insurance.

(2) SCOPE.—

(a) This section applies to all life and health insurance policies, and the underwriting thereof, which are issued in this state or are issued outside this state pursuant to s. 627.5515 or s. 627.6515 covering residents of this state and to multiple employer welfare arrangements defined in s. 624.437. For purposes of this section, insurer shall include authorized multiple employer welfare arrangements.

(b) This section shall not prohibit an insurer from contesting a policy or claim to the extent allowed by law.

(3) DEFINITIONS.—As used in this section:

(a) "AIDS" means Acquired Immune Deficiency Syndrome.

(b) "ARC" means AIDS-Related Complex.

(c) "HIV" means the Human Immunodeficiency Virus identified as the causative agent of AIDS.

(4) UTILIZATION OF MEDICAL TESTS FOR UNDERWRITING.—

(a) With respect to the issuance of or the underwriting of a policy regarding exposure to the HIV infection and sickness or medical conditions derived from such infection, the insurer shall only utilize medical tests which are reliable predictors of risk. A test which is recommended by the Centers for Disease Control or by the federal Food and Drug Administration is deemed to be reliable for the purposes of this section. A test which is rejected or not recommended by the Centers for Disease Control or the federal Food and Drug Administration is a test which is deemed to be not reliable for the purposes of this section. If a specific Centers for Disease Control or the federal Food and Drug Administration recommended test indicates the existence or potential existence of exposure to the HIV infection or a sickness or medical condition related to the HIV infection, before relying on a single test result to deny or limit coverage or to rate the coverage, the insurer shall follow the applicable Centers for Disease Control or federal Food and Drug Administra-

tion recommended test protocol and shall utilize any applicable Centers for Disease Control or federal Food and Drug Administration recommended follow-up tests or series of tests to confirm the indication.

(b) Prior to testing, the insurer shall disclose its intent to test the person for the HIV infection or for a specific sickness or medical condition derived therefrom and shall obtain the person's written informed consent to administer the test. Written informed consent shall include a fair explanation of the test, including its purpose, potential uses, and limitations, and the meaning of its results and the right to confidential treatment of information. Use of a form approved by the department shall raise a conclusive presumption of informed consent.

(c) An applicant shall be notified of a positive test result by a physician designated by the applicant or, in the absence of such designation, by the Department of Health and Rehabilitative Services. Such notification must include:

1. Face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; and the need to eliminate behavior which might spread the disease to others.

2. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;

3. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to Human Immunodeficiency Virus and any individual whom the infected individual may have exposed to the virus; and

4. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 3.

(d) A medical test for exposure to the HIV infection, or for a sickness or medical condition derived from such infection, shall only be required of or given to a person if the test is based on the person's current medical condition or medical history or triggered by threshold coverage amounts which apply to all persons within the risk class. Sexual orientation shall not be used in the underwriting process or in the determination of which applicants shall be tested for exposure to the HIV infection. Neither the marital status, the living arrangements, the occupation, the gender, the beneficiary designation, nor the zip code or other territorial classification of an applicant shall be used to establish the applicant's sexual orientation.

(e) An insurer may inquire whether a person has been tested positive for exposure to the HIV infection or been diagnosed as having ARC or AIDS caused by the HIV infection or other sickness or condition derived from such infection. An insurer shall not inquire whether the person has been tested for or has received a negative result from a specific test for exposure to the HIV infection or for a sickness or a medical condition derived from such infection.

(f) Insurers shall maintain strict confidentiality regarding medical test results with respect to exposure to the HIV infection or a specific sickness or medical condition derived from such exposure. Information regarding specific test results shall not be disclosed outside the insurance company or its employees, insurance affiliates, agents, or reinsurers, except to the person tested and to persons designated in writing by the person tested. Specific test results for exposure to the HIV infection shall not be furnished to an insurer industry data bank if a review of the information would identify the individual and the specific test results.

(g) No laboratory may be used by an insurer or insurance support organization for the processing of HIV-related tests unless it is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control of the United States Department of Health and Human Services.

(5) RESTRICTIONS ON COVERAGE EXCLUSIONS AND LIMITATIONS.—

(a) An insurer of a group policy shall not exclude coverage of an eligible individual because of a positive test result for exposure to the HIV infection or a specific sickness or medical condition derived from such exposure, either as a condition for or subsequent to the issuance of the policy, provided that this prohibition shall not apply to individuals applying for coverage where individual underwriting is otherwise allowed by law.

(b) Subject to the total benefits limits in a health insurance policy, no health insurance policy shall contain an exclusion or limitation with respect to coverage for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, except as provided in a preexisting condition clause, provided that nothing contained in this paragraph shall be construed to prohibit the issuance of accident only or specified disease health policies.

(c) Except for preexisting conditions specifically applying to a sickness or medical condition of the insured, benefits under a life insurance policy shall not be denied or limited based on the fact that the insured's death was caused, directly or indirectly, by exposure to the HIV infection or a specific sickness or medical condition derived from such infection, provided that nothing contained in this paragraph shall be construed to prohibit the issuance of accidental death only or specified disease policies.

(d) It shall be permissible for any major medical or comprehensive accident and health policy for which individual underwriting is authorized by law to contain a provision excluding coverage for expenses related to AIDS or ARC if, in the opinion of a legally qualified physician, the insured, prior to the first anniversary of the insured's coverage under the policy, first exhibited objective manifestations of AIDS or ARC, as defined by the Centers for Disease Control, which are attributable to no other cause or was diagnosed as having AIDS or ARC, provided that:

1. The applicant for the policy is not required to submit to any medical test for HIV infection;

2. The policy provision must:

a. Be set forth separately from the policy's other exclusion and limitation provisions;

b. Have an appropriate caption or heading;

c. Be disclosed and referenced in a conspicuous manner on the policy data page; and

d. Contain a statement that the exclusion will not apply to any person if the insurer does not assert the defense before the person has been insured under the policy for 2 years;

3. When the insurer first determines that an insured would be subject to the effect of the exclusion, the insurer must notify the insured in writing of this determination within 90 days, even if there are no claims for AIDS or ARC, and failure to provide timely written notice will bar the insurer from using the exclusion; and

4. Objective manifestations of AIDS or ARC first exhibited after the 12-month manifestation period must be covered the same as any other illness.

Section 48. Subsection (1) of section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) If for health insurance, provides benefits which are unreasonable in relation to the premium charged or contains provisions which are unfair or inequitable or contrary to the public policy of this state or which encourage misrepresentation.

(f) Excludes coverage for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome which are different than those which apply to any other sickness or medical condition.

Section 49. Section 627.6265, Florida Statutes, is created to read:

627.6265 Cancellation or nonrenewal prohibited.—Notwithstanding any other provision of law to the contrary, no insurer shall cancel or nonrenew the health insurance policy of any insured because of diagnosis or treatment of Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome.

Section 50. Section 627.6646, Florida Statutes, is created to read:

627.6646 Cancellation or nonrenewal prohibited.—Notwithstanding any other provision of law to the contrary, no insurer shall cancel or nonrenew the health insurance policy of any insured because of diagnosis or treatment of Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome.

Section 51. Section 641.3109, Florida Statutes, is created to read:

641.3109 Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome for contract purposes.—

(1) PURPOSE.—The purpose of this section is to prohibit unfair practices in a health maintenance organization contract with respect to exposure to the Human Immunodeficiency Virus infection and related matters, and thereby reduce the possibility that a health maintenance organization subscriber or applicant may suffer unfair discrimination when subscribing to or applying for the contractual services of a health maintenance organization.

(2) SCOPE.—This section applies to all health maintenance contracts which are issued in this state or which are issued outside this state but cover residents of this state. This section shall not prohibit a health maintenance organization from contesting a contract or claim to the extent allowed by law.

(3) DEFINITIONS.—As used in this section:

(a) "AIDS" means Acquired Immune Deficiency Syndrome.

(b) "ARC" means AIDS-Related Complex.

(c) "HIV" means Human Immunodeficiency Virus identified as the causative agent of AIDS.

(4) UTILIZATION OF MEDICAL TESTS.—

(a) With respect to the issuance of or the underwriting of a health maintenance organization contract regarding exposure to the HIV infection and sickness or medical conditions derived from such infection, no health maintenance organization shall only utilize medical tests which are reliable predictors of risk. A test which is recommended by the Centers for Disease Control or by the federal Food and Drug Administration is deemed to be reliable for the purposes of this section. A test which is rejected or not recommended by the Centers for Disease Control or the federal Food and Drug Administration is a test which is deemed to be not reliable for the purposes of this section. If a specific Centers for Disease Control or the federal Food and Drug Administration recommended test indicates the existence or potential existence of exposure by the HIV infection or a sickness or medical condition related to the HIV infection, before relying on a single test result to deny or limit coverage or to rate the coverage, the health maintenance organization shall follow the applicable Centers for Disease Control or federal Food and Drug Administration recommended test protocol and shall utilize any applicable Centers for Disease Control or federal Food and Drug Administration recommended follow-up tests or series of tests to confirm the indication.

(b) Prior to testing, the health maintenance organization must disclose its intent to test the person for the HIV infection or for a specific sickness or medical condition derived therefrom and must obtain the person's written informed consent to administer the test. Written informed consent shall include a fair explanation of the test, including its purpose, potential uses, and limitations, and the meaning of its results and the right to confidential treatment of information. Use of a form approved by the department shall raise a conclusive presumption of informed consent.

(c) An applicant shall be notified of a positive test result by a physician designated by the applicant or, in the absence of such designation, by the Department of Health and Rehabilitative Services. Such notification must include:

1. Face-to-face post-test counseling on the meaning of the test results; the possible need for additional testing; and the need to eliminate behavior which might spread the disease to others;

2. The availability in the geographic area of any appropriate health care services, including mental health care, and appropriate social and support services;

3. The benefits of locating and counseling any individual by whom the infected individual may have been exposed to Human Immunodeficiency Virus and any individual whom the infected individual may have exposed to the virus; and

4. The availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in subparagraph 3.

(d) A medical test for exposure to the HIV infection or for a sickness or medical condition derived from such infection shall only be required of or given to a person if the test is required or given to all subscribers or applicants or if the decision to require the test is based on the person's medical history. Sexual orientation shall not be used in the underwriting process or in the determination of which subscribers or applicants for enrollment shall be tested for exposure to the HIV infection. Neither the marital status, the living arrangements, the occupation, the gender, the beneficiary designation, nor the zip code or other territorial classification of an applicant shall be used to establish the applicant's sexual orientation.

(e) A health maintenance organization may inquire whether a person has been tested positive for exposure to the HIV infection or been diagnosed as having AIDS or ARC caused by the HIV infection or other sickness or medical condition derived from such infection. A health maintenance organization shall not inquire whether a person has been tested for or has received a negative result from a specific test for exposure to the HIV infection or for a sickness or medical condition derived from such infection.

(f) A health maintenance organization shall maintain strict confidentiality regarding medical test results with respect to the HIV infection or a specific sickness or medical condition derived from such infection. Information regarding specific test results shall not be disclosed outside the health maintenance organization, its employees, its marketing representatives, or its insurance affiliates, except to the person tested and to persons designated in writing by the person tested. Specific test results shall not be furnished to an insurance industry or health maintenance organization data bank if a review of the information would identify the individual and the specific test results.

(g) No laboratory may be used by an insurer or insurance support organization for the processing of HIV-related tests unless it is certified by the United States Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control of the United States Department of Health and Human Services.

(5) RESTRICTIONS ON CONTRACT EXCLUSIONS AND LIMITATIONS.—

(a) A health maintenance organization contract shall not exclude coverage of a member of a subscriber group because of a positive test result for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, either as a condition for or subsequent to the issuance of the contract, provided that this prohibition shall not apply to persons applying for enrollment where individual underwriting is otherwise allowed by law.

(b) No health maintenance organization contract shall exclude or limit coverage for exposure to the HIV infection or a specific sickness or medical condition derived from such infection, except as provided in a preexisting condition clause.

Section 52. Paragraph (b) of subsection (3) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(3)

(b) The department shall disapprove any form filed under this subsection, or withdraw any previous approval thereof, only if the form:

1. Is in any respect in violation of, or does not comply with, any provision of this part or rule adopted thereunder.

2. Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

3. Has any title, heading, or other indication of its provisions which is misleading.

4. Is printed or otherwise reproduced in such a manner as to render any material provision of the form substantially illegible.

5. Contains provisions which are unfair, inequitable, or contrary to the public policy of this state or which encourage misrepresentation.

6. Excludes coverage for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for Human Immunodeficiency Virus infection or Acquired Immune Deficiency Syndrome which are different than those which apply to any other sickness or medical condition.

Section 53. *Each section which is added to chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature prior to that date pursuant to s. 11.61, Florida Statutes.*

Section 54. *Section 641.3109, Florida Statutes, is repealed on October 1, 1991, and shall be reviewed by the Legislature prior to that date.*

Section 55. *Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 56. *Section 381.606, Florida Statutes, is hereby repealed.*

Section 57. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

House Amendment 1 to Senate Amendment 2—On page 1, line 12, through page 5, line 5, strike all of said lines and insert: A bill to be entitled An act relating to Acquired Immune Deficiency Syndrome; creating s. 381.607, F.S.; providing legislative findings and intent; creating s. 381.608, F.S.; requiring the Department of Health and Rehabilitative Services to establish an AIDS education program; creating s. 381.041, F.S., requiring education in Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) for certain health care professionals; creating 455.2226, F.S.; requiring education in HIV and AIDS for certain licensed professionals; amending s. 455.227, F.S., providing a ground for disciplinary action for failure to take HIV and AIDS education courses; requiring the Department of Professional Regulation and the Department of Health and Rehabilitative Services to plan for educational courses; requiring the Department of Health and Rehabilitative Services and the Department of Professional Regulation to develop instructional material on HIV for certain licensed professionals; requiring the Department of Health and Rehabilitative Services to require employees and clients of certain health care facilities to complete education courses on HIV and AIDS; requiring the Department of Health and Rehabilitative Services and the Department of Professional Regulation to develop instructional material on HIV for child care facilities; creating s. 110.1125, F.S.; requiring state agencies to annually provide HIV and AIDS information to state employees; creating s. 973.172, F.S.; requiring basic skills training in HIV and AIDS for law enforcement officers; creating s. 945.35, F.S.; requiring a continuing education program in HIV and AIDS for all inmates and staff or correctional facilities; providing for testing of inmates and access to records; requiring an annual report; creating s. 951.27, F.S.; requiring testing of inmates; providing for confidentiality of test results; amending s. 232.246, F.S.; including AIDS and other sexually transmitted disease education in the life management skills high school course; amending s. 233.0672, F.S., relating to health education in the public schools; providing content of instruction in Acquired Immune Deficiency Syndrome, sexually transmitted diseases, and human sexuality; amending s. 233.067, F.S.; including certain sexually transmissible diseases in the term "comprehensive health education"; adding required elements to be included in inservice education programs; requiring a study group on reporting HIV status for school children and employees; amending s. 240.2097, F.S.; requiring certain materials related to AIDS to be included in university student handbooks; requiring the development of a comprehensive university system HIV and AIDS policy; creating s. 240.3191, F.S.; requiring that community colleges compile and annually update student handbooks; providing for information relating to controlled substances and alcoholic beverages and AIDS education to be included in student handbooks; creating s. 240.3192, F.S.; requiring community colleges to develop policy on education for HIV and AIDS; creating s. 381.609, F.S.; prescribing guidelines for testing for Human Immunodeficiency Virus; creating s. 381.6105, F.S.; providing procedures for donation and transfer of organs, blood and other human tissue; creating s. 381.614, F.S.; providing for research by the Department of Health and Rehabilitative Services; amending s. 499.005, F.S.; prohibiting the sale or delivery of self test kits for AIDS or HIV; amending s. 499.0054, F.S.; prohibiting the advertising of any drug or device represented to affect AIDS or HIV or a related disease; amending s. 384.23, F.S.; redefining the term "sexually transmissible disease"; amending s. 384.24, F.S.; conforming the prohibition against certain sexual intercourse to the redefinition of the term "sexually transmissible disease"; amending s. 384.25, F.S.; removing a limitation and adding a prohibition on reporting of AIDS cases; amending s. 384.27, F.S.; prescribing procedures for requiring persons to undergo AIDS examination and treatment; amending s. 384.28, F.S.; providing for hospitalization and isolation of persons; creating s. 384.281, F.S.; providing procedures for detaining persons prior to a hearing for hospitalization or isolation; creating s. 384.282, F.S.; requiring the use of pseudonyms in judicial proceedings; creating s. 384.283, F.S.; providing for service of notice and process; creating s. 384.284, F.S.; providing for forms; creating s. 384.285, F.S.; providing for appeals; creating s. 384.286, F.S.; providing for temporary leave for hospitalized or isolated persons; creating s. 384.288, F.S.; prescribing fees to be paid for certain services; amending s. 384.34, F.S.; increasing the penalty for engaging in sexual intercourse when infected with a sexually transmissible disease; creating s. 381.612, F.S.; providing for patient care for persons with HIV; amending s. 381.703, F.S.; providing for local health council and statewide health council involvement in AIDS health care planning; requiring the Social Services Estimating Conference to include in its forecasts the impact of AIDS; amending s. 409.266, F.S.; providing for certain care for Medicaid recipients; creating s. 455.2416, F.S.; providing immunity from civil and criminal liability for certain practitioners for disclosure of confidential information; amending s. 796.08, F.S.; providing penalties for certain acts by persons with HIV infection; prohibiting discrimination under specific circumstances on the basis of HIV or AIDS; providing that HIV infection is not a material fact in transactions of real property; creating s. 627.429, F.S.; prohibiting certain discriminatory practices with respect to AIDS and HIV in life and health insurance; amending s. 627.411, F.S.; providing for disapproval of certain insurance forms which exclude AIDS or HIV coverage; creating ss. 627.6265, 627.6646, F.S.; prohibiting cancellation of health or group health insurance due to diagnosis of AIDS or HIV; creating s. 641.3109, F.S.; prohibiting certain discriminatory practices with respect to AIDS and HIV in health maintenance organizations; creating s. 641.31, F.S.; providing for disapproval of certain health maintenance organization forms which exclude AIDS or HIV coverage; providing for review and repeal; providing severability; repealing s. 381.606, F.S., relating to testing for infectious disease; providing an effective date.

On motions by Senator Myers, the Senate concurred in the House amendments to the Senate amendments.

CS for HB 1519 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Deratany	Grant	Jenne
Beard	Dudley	Hair	Johnson
Brown	Girardeau	Hill	Kiser
Childers, D.	Gordon	Hollingsworth	Langley

Lehtinen	Meek	Ros-Lehtinen	Thurman
Malchon	Myers	Scott	Weinstein
Margolis	Peterson	Stuart	Weinstock
McPherson	Plummer	Thomas	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1193 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1193—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; increasing the hours of service a commercial motor vehicle driver may operate; providing exemptions from certain safety regulations; adopting certain safety regulations; revising safety regulations applicable with respect to transporting hazardous materials by commercial motor vehicle; providing exemptions from certain regulations; providing penalties for violating certain regulations; authorizing enforcement officers of the Department of Transportation and state highway patrolmen to inspect shipping documents and cargo of certain commercial motor vehicles; requiring that inspection notices be returned to the issuing agency along with evidence that the required repairs have been completed; amending s. 316.3025, F.S.; providing penalties; repealing s. 2, ch. 87-536 and ss. 2, 3, ch. 88-2, Laws of Florida, relating to the expiration of certain prior amendments to s. 316.302, F.S., and the reversion to the text of that section as it existed on July 4, 1987, under certain circumstances; amending s. 320.0801, F.S.; providing for an additional surcharge on certain commercial motor vehicles; providing for disposition; providing an effective date.

Amendment 1—On page 8, between lines 19 and 20, insert:

Section 5. Effective upon this act becoming a law, subsections (1), (2), (4), and (5) of section 207.004, Florida Statutes, are amended to read:

207.004 Registration of motor carriers; identifying devices; fees; renewals; trip, emergency, and annual permits.—

(1)*(a)* No motor carrier shall operate or cause to be operated in this state any commercial motor vehicle, other than a Florida-based commercial motor vehicle which travels Florida intrastate mileage only, which uses special fuel or motor fuel until such carrier has registered with the department and has been issued an identifying device for each vehicle operated. There shall be a fee of *$4* ~~$8~~ per year or any fraction thereof for each such identifying device issued~~, with the exception that a Florida-licensed vehicle shall be provided an identifying device at no fee~~. The identifying device shall be provided by the department and must be conspicuously displayed on the commercial motor vehicle while it is being operated on the public highways of this state. The transfer of an identifying device from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. *Unused identifying devices purchased for the year December 1, 1987, through November 30, 1988, may be exchanged for an equal number of identifying devices for the next ensuing reporting period at no charge.* ~~If a registered carrier has unused identifying devices at the end of the reporting period, they may be exchanged for an equal number of identifying devices for the next ensuing reporting period at no charge.~~

(b) The motor carrier to whom an identifying device has been issued shall be solely responsible for the proper use of the identifying device by its employees, consignees, or lessees.

(2) Identifying devices shall be issued each year for the period *January* ~~December~~ 1 through *December 31* ~~November 30~~, or any portion thereof, if tax returns and tax payments, when applicable, have been submitted to the department for prior reporting periods. *Identifying devices issued for the December 1, 1987, through November 30, 1988, registration period shall be extended through December 31, 1988.*

(4) A motor carrier prior to operating a commercial motor vehicle on the public highways of this state must display an identifying device as required under subsection (1) or must obtain an emergency or trip permit or annual permit for that vehicle. *An emergency or* ~~A~~ trip permit shall expire within 10 days after date of issuance. The cost of an emergency or trip permit shall be *$45* ~~$16~~, which shall exempt the vehicle from the payment of the motor fuel or special fuel tax imposed under this chapter during the term for which the permit is valid. However, the vehicle shall not be exempt from paying the fuel tax at the pump.

(5)(a) A registered motor carrier holding a valid certificate of registration may, upon payment of the *$45* ~~$16~~ fee per permit, secure from the department either blank trip permits or emergency permits. A trip permit, prior to its use, must be executed by the motor carrier, in ink or type, so as to identify the carrier, the vehicle to which the trip permit is assigned, and the date that the vehicle is placed in and removed from service. The trip permit shall also show a complete identification of the vehicle on which the trip permit is to be used, together with the name and address of the owner or lessee of the vehicle. The endorsed trip permit shall then be carried on the vehicle which it identifies and shall be exhibited on demand to any authorized personnel. Emergency permits may be transmitted to the motor carrier by electronic means and shall be completed as outlined by department personnel prior to transmittal. The motor carrier to whom an emergency or trip permit is issued shall be solely responsible for the proper use of the permit by its employees, *consignees,* or lessees. Any erasure, alteration, or unauthorized use of an emergency or trip permit shall render it invalid and of no effect. No motor carrier to whom an emergency or trip permit is issued shall knowingly allow the permit to be used by any other person or organization.

(b) An unregistered motor carrier may, upon payment of the *$45* ~~$16~~ fee, secure from the department, by electronic means, an emergency permit which shall be valid for a period of 10 days. Such emergency permit shall show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The emergency permit shall then be carried on the vehicle which it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom an emergency permit is issued shall be solely responsible for the proper use of the permit by its employees, *consignees, or* ~~and~~ lessees. Any erasure, alteration, or unauthorized use of an emergency permit shall render it invalid and of no effect. The unregistered motor carrier to whom an emergency permit is issued shall not knowingly allow the permit to be used by any other person or organization.

(c) A registered motor carrier engaged in driveaway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the *$4* ~~$8~~ fee, secure from the department an annual permit. The annual permits shall be issued for the period *January* ~~December~~ 1 through *December 31* ~~November 30~~. *Annual permits issued for the December 1, 1987, through November 30, 1988, registration period shall be extended through December 31, 1988.* An original permit must be in the possession of the operator of each vehicle and shall be exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this state during the reporting period. All other provisions of this chapter shall apply to the holder of an annual permit.

~~(d) Any motor carrier that registers in this state under this chapter whose base state imposes a regulatory fee, a highway use tax, a road tax, or another third-structure fee, including, but not limited to, a license fee similar to that imposed under chapter 320 or any type of regulatory fee or tax under which payment is required as a condition to the operation of a commercial motor vehicle on the public highways of that state, on Florida-based carriers is subject to the same tax or regulatory fee as that imposed by the base state on the Florida-based carriers on the vehicles which the motor carrier uses in this state.~~

Section 6. Effective upon this act becoming a law section 316.560, Florida Statutes, is amended to read:

316.560 Damage to highways; liability of driver and owner.—Any person driving or moving any vehicle *or combination of vehicles*, object, or contrivance upon any highway or highway structure shall be liable for all damages which the highway or structure may sustain as a result of any illegal operating, driving, or moving of such *vehicle or combination of* vehicles, object, or contrivance, whether or not such damage is a result of operating, driving, or moving any vehicle *or combination of vehicles*, object, or contrivance weighing in excess of the maximum weights *or exceeding the maximum size* as provided in this chapter but authorized

by special permit issued pursuant to s. 316.550. Whenever the driver is not the owner of the vehicle *or combination of vehicles*, object, or contrivance but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the authorities in control of the highway or highway structure.

Section 7. Effective upon this act becoming a law paragraph (b) of subsection (7) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(7) The department shall in no event issue a certificate of title for any motor vehicle or mobile home to any applicant until the applicant has shown that:

(b) A current motor vehicle registration as required by s. 320.02, except for a vehicle not required by law to have such registration, has been obtained. ~~Further, an application for title on a vehicle required to be registered in accordance with the International Registration Plan shall be exempt from the provisions herein only if proof of application for an apportioned license plate is presented therewith.~~

Section 8. Effective upon this act becoming a law subsection (3) of section 320.0715, Florida Statutes, is amended to read:

320.0715 International Registration Plan; motor carrier services; *permits;* retention of records.—

(3)*(a)* If the department is unable to immediately issue the apportioned license plate to an applicant currently registered in this state under the International Registration Plan or to a vehicle currently titled in this state, the department or its designated agent is authorized to issue a 60-day temporary operational permit. ~~Prior to the issuance of said permit, positive proof of insurance and payment of a $3 fee shall be required.~~ The department or agent of the department shall charge *a $3 fee and* the service charge authorized by s. 320.04 for each temporary operational permit it issues.

(b) The department shall in no event issue a temporary operational permit for any commercial motor vehicle to any applicant until the applicant has shown that:

1. All sales or use taxes due on the registration of the vehicle are paid; and

2. Insurance requirements have been met in accordance with ss. 320.02(5) and 627.7415.

(c) Issuance of a temporary operational permit provides commercial motor vehicle registration privileges in each International Registration Plan member jurisdiction designated on said permit and therefore requires payment of all applicable registration fees and taxes due for that period of registration.

Section 9. Effective upon this act becoming a law subsection (1) of section 320.0805, Florida Statutes, is amended to read:

320.0805 Personalized prestige license plates.—

(1) The department shall issue a personalized prestige license plate to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan *or a commercial truck required to display two license plates pursuant to s. 320.0706,* upon application and payment of the appropriate license tax and fees.

Section 10. Effective upon this act becoming a law subsection (1) of section 320.0808, Florida Statutes, is amended to read:

320.0808 Challenger license plates.—

(1) The department shall develop a Challenger license plate to commemorate the seven astronauts who died when the space shuttle Challenger exploded on lift-off in 1986. The Challenger license plate shall be issued upon request to the owner of any vehicle, *except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to s. 320.0706,* who makes application and pays the applicable license tax and fees.

Section 11. Effective upon this act becoming a law subsection (1) of section 320.0809, Florida Statutes, is amended to read:

320.0809 Collegiate license plates.—

(1) The department shall develop a collegiate license plate as provided in this section for state and independent universities, domiciled in this state, and shall issue a collegiate license plate to the owner of any motor vehicle, *except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to s. 320.0706,* upon application and payment of the appropriate license tax and fees.

Section 12. Effective upon this act becoming a law subsection (2) of section 320.15, Florida Statutes, is amended to read:

320.15 Refund of license tax.—

(2) The refund provisions of this section ~~do not~~ apply to vehicles registered under the International Registration Plan, *including* ~~except in~~ cases of overpayment or duplicate registration. In these circumstances, only the portion of license tax retained by this state *and the pro rata license tax on the unused registration period* may be refunded if the amount is *$100* ~~$10~~ or more.

(Renumber subsequent sections.)

Amendment 2—On page 1, in the title, line 28, after the semicolon insert: amending s. 207.004, F.S.; revising language with respect to identifying devices for motor carriers; providing for certain exchange; providing responsibility for the device and for certain permits; changing the issuance period for such devices and for certain permits; changing fees; deleting language with respect to certain motor carriers who are based in another state; amending s. 316.560, F.S.; revising language with respect to damage to highways; amending s. 319.23, F.S.; deleting an exemption with respect to certificate of title for vehicles registered under the International Registration Plan; amending s. 320.0715, F.S.; providing criteria for the issuance of a temporary operational permit for a commercial motor vehicle under the International Registration Plan; amending ss. 320.0805, 320.0808, and 320.0809, F.S.; denying issuance of personalized prestige license plates, Challenger license plates, and collegiate license plates to certain vehicles; amending s. 320.15, F.S.; revising language with respect to refund of license taxes with respect to certain vehicles;

Amendment 3—On page 8, line 20, before "This" insert: Except as otherwise provided herein,

On motions by Senator Beard, the Senate concurred in the House amendments.

CS for SB 1193 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Malchon	Stuart
Beard	Hill	Margolis	Thomas
Brown	Hollingsworth	McPherson	Thurman
Childers, D.	Jenne	Meek	Weinstein
Childers, W. D.	Jennings	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson
Dudley	Kiser	Plummer	
Girardeau	Langley	Ros-Lehtinen	
Grant	Lehtinen	Scott	

Nays—1

Gordon

Vote after roll call:

Yea—Crawford

Nay to Yea—Gordon

SPECIAL ORDER

CS for SB 1429—A bill to be entitled An act relating to transportation right-of-way acquisition and bridge construction; creating s. 215.225, F.S.; providing that the 6-percent service charge deducted from certain trust funds be deposited into the State Infrastructure Fund; limiting such deposits; amending s. 212.235, F.S.; providing for transfer of State Infrastructure Fund moneys; creating s. 215.605, F.S.; authorizing the issuance of state bonds for acquiring real property for state transportation purposes or for constructing bridges; establishing the Right-of-Way Acquisi-

tion and Bridge Construction Trust Fund; amending s. 215.82, F.S.; providing for procedures to validate such bonds; providing an effective date.

—was read the second time by title.

Senator Brown moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(1) All moneys in the State Transportation Trust Fund, which is hereby created, shall be used for transportation purposes, as provided by law, under the direction of the Department of Transportation, which department may from time to time make requisition on the Comptroller for such funds. Moneys from such fund shall be drawn by the Comptroller by warrant upon the State Treasury pursuant to vouchers and shall be paid in like manner as other state warrants are paid out of the appropriated fund against which the warrants are drawn. All sums of money necessary to provide for the payment of the warrants by the Comptroller drawn upon such fund are appropriated annually out of the fund for the purpose of making such payments from time to time.

(2) Notwithstanding any other provisions of law, from the proceeds transferred into the State Transportation Trust Fund from the Gas Tax Collection Trust Fund, $30 million in fiscal year 1988-89 and $50 million in each fiscal year thereafter shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605.

Section 2. Section 215.605, Florida Statutes, is created to read:

215.605 State bonds for right-of-way acquisition or bridge construction.—

(1) The issuance of state bonds to finance or refinance the cost of acquiring real property or the rights to real property for state transportation facilities or for state transportation corridors, or to finance or refinance the cost of building bridges, and purposes incidental to such property acquisition or bridge construction, is hereby authorized pursuant to s. 17, Art. VII of the State Constitution and ss. 215.57-215.83. Except for bonds issued to refinance property acquisition or bridge construction previously financed by bonds issued under this section, state bonds issued under this section shall be authorized by the Legislature by an act relating to appropriations or by general law.

(2) Bonds issued pursuant to this section shall be payable primarily from motor fuel and special fuel taxes which are transferred to the Right-of-Way Acquisition and Bridge Construction Trust Fund, which fund is hereby created in the Department of Transportation, and shall additionally be secured by the full faith and credit of the state. Any moneys in the fund not needed to pay the debt service on, provide required financial coverage levels for, and fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to this section, may be used for right-of-way acquisition or bridge construction, as provided by law.

(3) The Department of Transportation shall request the Division of Bond Finance to issue the state bonds authorized by this section. The Department of Transportation shall certify that the projects to be financed will comply with the requirements of s. 339.135(5)(a) or (f) and (7)(a).

(4) The proceeds from the sale of bonds issued pursuant to this section shall be deposited into the State Transportation Trust Fund.

(5) Section 339.135, except paragraph (4)(d), shall apply to the Right-of-Way Acquisition and Bridge Construction Trust Fund.

Section 3. Paragraph (d) is added to subsection (8) of section 339.135, Florida Statutes, to read:

339.135 Budgets; preparation, adoption, execution, and amendment.—

(8) EXECUTION OF THE BUDGET.—

(a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

(b) In the operation of the State Transportation Trust Fund, the department shall have on hand at the close of business, which closing shall not be later than the 10th calendar day of the month following the end of each quarter of the fiscal year, an available cash balance (which shall include cash on deposit with the treasury and short-term investments of the department) equivalent to not less than 5 percent of the unpaid balance of all State Transportation Trust Fund obligations at the close of such quarter. In the event that this cash position is not maintained, no further contracts or other fund commitments shall be approved, entered into, awarded, or executed until the cash balance, as defined above, has been regained.

(c) Unless otherwise provided in the General Appropriations Act, any unexpended balance remaining at the end of the fiscal year in the appropriations to the department for special categories, aid to local governments, and lump sums for projects which are part of the multiyear work program, and for which contracts have been executed or bids have been let, may be certified forward as fixed capital outlay under the provisions of s. 216.301(2), (3). The amount certified forward may include contingency allowances for asphalt and petroleum product escalation clauses and contract overages which allowances shall be separately identified in the certification detail. These contingency amounts shall be incorporated in the certification for each specific category, but when a category has an excess and another category has a deficiency, the Executive Office of the Governor is authorized to transfer the excess to the deficient account.

(d) This subsection shall not apply to any bonds issued on behalf of the department pursuant to the State Bond Act.

Section 4. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. *In any action to validate bonds issued pursuant to s. 215.605, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.*

Section 5. This act shall take effect upon the effective date of an amendment to the State Constitution which is submitted to the electors for approval at the general election to be held in November, 1988, and which provides for the issuance of the bonds authorized by this act.

Amendment 2—In title, on page 1, strike all of lines 3-9 and insert: acquisition or bridge construction; amending s. 206.46, F.S.; providing for distributing certain moneys in the State Transportation Trust Fund; amending s. 339.135, F.S.; providing an exception from certain applications for certain bonds;

On motion by Senator Brown, by two-thirds vote CS for SB 1429 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	Langley	Plummer
Beard	Hair	Lehtinen	Ros-Lehtinen
Brown	Hill	Malchon	Scott
Childers, D.	Hollingsworth	Margolis	Stuart
Childers, W. D.	Jenne	McPherson	Thomas
Deratany	Jennings	Meek	Thurman
Dudley	Johnson	Myers	Weinstock
Girardeau	Kiser	Peterson	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Weinstein

Consideration of **CS for SB 1205** was deferred.

SJR 360—A joint resolution proposing an amendment to Article XII of the State Constitution to create a commission to study the tax structure of the state and file with the secretary of state its proposal, if any, for a revision of Article VII of the State Constitution.

—was read the second time by title.

Senator Brown moved the following amendment:

Amendment 1—On pages 1 and 2, strike everything after the resolving clause and insert:

That the amendments to Section 5 of Article II and Sections 2 and 5 of Article XI and the creation of Section 6 of Article XI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1988:

ARTICLE II
GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, *taxation and budget reform commission,* constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of . . . (title of office) . . . on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI
AMENDMENTS

SECTION 2. Revision commission.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) the attorney general of the state;

(2) fifteen members selected by the governor;

(3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

(4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, *except for matters relating directly to taxation or the state budgetary process that are to be reviewed by the tax reform commission established in section 6,* hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, ~~or~~ constitutional convention *or taxation and budget reform commission* proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 1990 and each tenth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chairman and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chairman. An affirmative vote of two thirds of the full commission and the concurrence of a majority of the members appointed by the governor pursuant to paragraph (a) (1), a concurrence of a majority of the members appointed by the speaker of the house of representatives pursuant to paragraph (a) (2), and a concurrnce of a majority of the members appointed by the president of the senate pursuant to paragraph (a) (2) shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local

government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next ten year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

TAXATION AND BUDGET REFORM COMMISSION

Transfers authority to review matters relating to state and local taxation and the budgetary process from the Constitution Revision Commission to a newly created Taxation and Budget Reform Commission to be established in 1990 and every 10 years thereafter. The new commission will issue a report and it may propose statutory changes to the Legislature, and submit proposed constitutional changes to the voters.

Senator W. D. Childers presiding

Further consideration of **SJR 360** was deferred.

CS for SB 150—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service; providing an effective date.

—was read the second time by title.

Senator Hollingsworth moved the following amendment:

Amendment 1—On page 2, line 14, through page 3, line 29, strike all of said lines and insert: members. Effective *January 1, 1989,* ~~October 1, 1988,~~ each employer shall contribute 13.62 percent of gross compensation each pay period for each of its regular members and *17.19* ~~15.59~~ percent of gross compensation each pay period for each of its special risk members. *Effective January 1, 1990, each employer shall contribute 18.79 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1991, each employer shall contribute 20.39 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1992, each employer shall contribute 21.99 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1993, each employer shall contribute 23.59 percent of gross compensation each pay period for each of its special risk members.*

Section 1. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that, for all creditable years of special risk service, A is:

1. Two 2 percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased;

2. Three, ~~and~~ 3 percent of his average monthly compensation *for all creditable years after September 30, 1974, and before* ~~until~~ October 1, 1978;

3. Two percent of his average monthly compensation for all creditable years after September 30, 1978, and before January 1, 1989;

4. Two and two-tenths percent of his average monthly compensation for all creditable years after December 31, 1988, and before January 1, 1990;

5. Two and four-tenths percent of his average monthly compensation for all creditable years after December 31, 1990, and before January 1, 1991;

6. Two and six-tenths percent of his average monthly compensation for all creditable years after December 31, 1991, and before January 1, 1992;

7. Two and eight-tenths percent of his average monthly compensation for all creditable years after December 31, 1992, and before January 1, 1993; and

8. Three percent of his average monthly compensation for all creditable years after December 31, 1993, ~~when all~~

Senator Beard moved the following substitute amendment which failed:

Amendment 2—Strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) Until January 1, 1975, regular members shall contribute each pay period at the rate of 4 percent of gross compensation and special risk members shall contribute each pay period at the rate of 8 percent of gross compensation. Effective January 1, 1975, regular members and special risk members shall make no contribution to the system *until January 1, 1989. Effective January 1, 1989, regular members shall make no contribution to the system, and special risk members shall contribute to the system each pay period at the rate of 4.58 percent of gross compensation.*

Section 2. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that, for all creditable years of special risk service, A is:

1. Two 2 percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased;

2. Three, ~~and 3~~ percent of his average monthly compensation *for all creditable years after September 30, 1974, and before* ~~until~~ October 1, 1978*;*

3. Two percent of his average monthly compensation for all creditable years after September 30, 1978, and before January 1, 1989; and

4. Two and one-half percent of his average monthly compensation for all creditable years after December 31, 1988, ~~when all years of creditable service thereafter as a special risk member shall be worth 2 percent of his average monthly compensation~~;

however, the normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation;

Section 3. This act shall take effect January 1, 1989.

Senator Hair moved the following amendment to Amendment 1 which failed:

Amendment 1A—On page 1, line 12, through page 3, line 8 of the amendment, strike all of said lines and insert: members. Effective *January 1, 1990,* ~~October 1, 1988,~~ each employer shall contribute 13.62 percent of gross compensation each pay period for each of its regular members and *17.19* ~~15.59~~ percent of gross compensation each pay period for each of its special risk members. *Effective January 1, 1991, each employer shall contribute 18.79 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1992, each employer shall contribute 20.39 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1993, each employer shall contribute 21.99 percent of gross compensation each pay period for each of its special risk members. Effective January 1, 1994, each employer shall contribute 23.59 percent of gross compensation each pay period for each of its special risk members.*

Section 2. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that, for all creditable years of special risk service, A is:

1. Two ~~2~~ percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased*;*

2. Three, ~~and 3~~ percent of his average monthly compensation *for all creditable years after September 30, 1974, and before* ~~until~~ October 1, 1978*;*

3. Two percent of his average monthly compensation for all creditable years after September 30, 1978, and before January 1, 1990;

4. Two and two-tenths percent of his average monthly compensation for all creditable years after December 31, 1989, and before January 1, 1991;

5. Two and four-tenths percent of his average monthly compensation for all creditable years after December 31, 1991, and before January 1, 1992;

6. Two and six-tenths percent of his average monthly compensation for all creditable years after December 31, 1992, and before January 1, 1993;

7. Two and eight-tenths percent of his average monthly compensation for all creditable years after December 31, 1993, and before January 1, 1994; and

8. Three percent of his average monthly compensation for all creditable years after December 31, 1994, ~~when all~~

The vote was:

Yeas—9

Deratany	Hill	Langley
Girardeau	Jennings	Ros-Lehtinen
Hair	Kiser	Woodson

Nays—20

Beard	Grant	Malchon	Stuart
Brown	Hollingsworth	Margolis	Thomas
Childers, W. D.	Jenne	Meek	Thurman
Dudley	Johnson	Myers	Weinstein
Gordon	Lehtinen	Plummer	Weinstock

Point of Order

Senator Girardeau raised a point of order that pursuant to Rule 3.13 Amendment 1 was out of order. The Presiding Officer requested that Senators Barron and Langley make a recommendation to the Senate on the point of order.

Further consideration of **CS for SB 150** was deferred.

Consideration of **HB 1432** and **HB 1473** was deferred.

SB 920—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; clarifying the requirements for teacher certification; providing for endorsements of teaching certificates; clarifying certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for secondary school teachers; providing for the creation of regional centers; providing a procedure for funding; authorizing the charging of fees; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, relating to alternate certification programs for secondary school teachers; providing multiple effective dates.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Peterson and failed:

Amendment 1—On page 11, line 15, before the period (.) insert: *and the area of exceptional child education*

Amendment 2—On page 13, between lines 20 and 21, insert:

(9) Districts wishing to establish alternative preparation programs in addition to the regional centers shall submit a plan to the Department of Education and shall receive funding for each participant which is equivalent to the current full-time equivalent allocation for upper division undergraduate teacher education programs. Such programs shall be evaluated pursuant to the procedures and criteria specified in s. 231.174(10).

(Renumber subsequent subsection.)

Amendment 3—In title, on page 1, line 11, after "teachers" insert: and teachers of exceptional child education

Senator Peterson moved the following amendment which was adopted:

Amendment 4—On page 1, line 24, through page 15, line 10, strike all of said language and insert:

Section 1. Paragraph (b) of subsection (1), paragraph (a) of subsection (3), and subsection (2) of section 231.17, Florida Statutes, are amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(1) Pursuant to the provisions in s. 120.60, the Department of Education shall issue within 90 calendar days of the stamped receipted date of the completed application a certificate covering the appropriate classification, level, and area to any person who submits satisfactory evidence of possessing the qualifications for such a certificate as prescribed herein and by rules of the state board and who pays the required fee, makes application in writing on the form prescribed by the department, and

meets the other requirements of law. An applicant shall be permitted to submit official transcripts from institutions of higher education as part of the application. Each applicant for certification shall:

(b) Be at least 18 years of age *and* ~~or~~ have received *at least* a bachelor's degree from an accredited institution of higher learning *unless otherwise specified by law or rule.* At least 30 of the total number of semester hours required for the initial secondary certificate area on a professional certificate shall be earned in courses in the field of specialization no more than nine of which shall be earned in a college of education unless the applicant's courses in the specialization field were offered only in the college of education. *If an area of certification is based on a method of instruction and not a substantive area of knowledge, teaching in this area in kindergarten through the twelfth grade must be authorized by an endorsement on the teacher's certificate. The state board shall specify in rule the authorized endorsement areas and the requirements for achieving them;*

(2)(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;

2. The ability to read, comprehend, and interpret professional and other written material;

3. The ability to comprehend and work with fundamental mathematical concepts;

4. The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;

5. The ability to recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;

6. The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;

7. The ability to comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas; and

8. The ability to recognize and be aware of the instructional needs of exceptional students.

(b) The state board shall~~, no later than July 1, 1987,~~ adopt rules which specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. The written examination may be taken by any individual enrolled in an accredited postsecondary institution who pays the appropriate fee and completes the required application procedures prior to graduation.

(c) Until *August 31, 1988* ~~July 1, 1988~~, the examination shall be developed by the commissioner and shall consist of one part covering reading, writing, and mathematics and of a second part covering professional skills. Effective *August 31, 1988* ~~July 1, 1988~~, the examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;

2. Mastery of professional skills; and

3. Mastery of the subject matter in each area for which certification is being sought. Applicants for certification in a vocational field shall be required to demonstrate competence on a subject area examination which may include a performance component and which has been validated and correlated to state curriculum frameworks and student performance standards and approved by the State Board of Education. In those subject areas in which a validated national or state examination is not available, a review panel consisting of industry personnel knowledgeable in the field shall be established by the department. The panel shall, by an oral or written review based on the state-approved standards, assess the applicant's attainment of the necessary knowledge and skills in the subject area.

The College Level Academic Skills Test or a similar test approved by the state board shall be used by degreed personnel to demonstrate mastery of general knowledge as required in subparagraph 1.

(d) Effective *August 31, 1988* ~~July 1, 1988~~, each degreed person seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

(e) Effective *August 31, 1988* ~~July 1, 1988~~, nondegreed full-time instructional personnel who teach courses in vocational technical centers and other school district facilities shall meet the following requirements for initial certification:

1. Possess a high school diploma or the equivalent;

2. Demonstrate mastery of the subject matter in each area for which certification is being sought as measured by a subject area examination which has been validated and correlated to state curriculum frameworks and student performance standards and approved by the State Board of Education. In those subject areas in which a validated national or state examination is not available, a review panel consisting of industry personnel knowledgeable in the field shall be established by the department. The panel shall assess the applicant's attainment of the necessary knowledge and skills in the subject area by performance tests and written or oral review based on state board-approved standards;

3. Successfully demonstrate basic and professional skills mastery by achieving a passing score on the Florida Teacher Certification Examination;

4. Successfully complete a modified beginning teacher program during the first year of employment which shall include a preservice component of at least 120 clock hours which shall provide training in teaching methods, course construction, lesson planning and testing, and evaluation. The modified program shall also include a teaching performance assessment as measured by a measurement system validated for use with vocational instructors and approved by the state board; and

5. Successfully complete a minimum of 2 years of teaching in vocational education, *or complete a college student teaching program in a vocational education setting.*

(f) Nothing contained in paragraph (e) shall preclude individual district school boards from specifying additional experience and training requirements for vocational instructional personnel.

(g) Until *August 31, 1988* ~~July 1, 1988~~, a person who meets all certification requirements which have been established by law or rule, other than the passing of the written examination, may be issued an initial temporary certificate for the first year of employment in a public school district in this state. However, the State Board of Education shall adopt criteria for eligibility for the initial temporary certificate for nondegree teachers of vocational education. Such teachers may delay examination requirements specified in paragraph (c) until professional educational requirements as established by law or rule are met; however, all examination requirements must be met prior to the beginning of the sixth year of employment.

(h) Until *August 31, 1988* ~~July 1, 1988~~, an additional temporary certificate may be issued under rules of the state board to a person who has passed the reading, writing, and mathematics portions of the required written examination but who has not passed the professional section. A maximum of two temporary certificates may be issued to a person under the provisions of this paragraph.

(i) Beginning *August 31, 1988* ~~July 1, 1988~~, a person who meets all certification requirements which have been established by law or rule, other than the passing of the examination and completion of the yearlong beginning teacher program or the completion of professional education courses in which the applicant is deficient, may be issued a nonrenewable, 2-year temporary certificate, except that a temporary certificate held by a nondegreed teacher of vocational education may be renewed once for an additional 2-year validity period. However, the State Board of Education

shall adopt rules to allow for the issuance of one additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant. The department shall issue, pursuant to this section, a certificate upon the written request of the district school superintendent or governing authority of a nonpublic school with an approved beginning teacher program. *The commissioner may also issue a 1-year extension of a 2-year temporary certificate, as necessary, to allow an applicant 2 full years to present a passing score on the subject area examination.* The state board shall adopt criteria for eligibility for the temporary certificate for nondegreed teachers of vocational education. Such teachers may delay the general knowledge and professional skills sections of the examination requirements specified in paragraph (e) until the second 2-year validity period.

(j) Nondegreed instructors holding temporary certificates and pursuing professional certificates prior to July 1, 1988, shall continue under the certification requirements in law and rule in effect at the time of initial application.

(k) The commissioner, with the approval of the state board, may assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(l) The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates.

(m) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors which would result in a passing score.

(n) The department and the board shall maintain confidentiality of the examination, developmental materials, and work papers pursuant to s. 119.07. The board shall adopt such rules as may be necessary to accomplish this purpose.

(o) The state board shall designate the certification areas for which subject area tests shall be developed.

(3)(a) No *teacher* ~~individual~~ shall be issued a professional certificate until the applicant has successfully completed a yearlong beginning teacher program or has demonstrated successful instructional performance on a department-approved instructional personnel performance evaluation system. The yearlong beginning teacher program shall be required for each teacher without a professional certificate who has less than one full school year or equivalent of successful teaching experience as defined in s. 228.041(16) or who has not demonstrated by evaluation successful performance on a state board-approved performance evaluation system, which evaluation shall be conducted during an individual's initial year of employment in a school district in this state. A teacher participating in the beginning teacher program shall be a member of the bargaining unit with the same rights as any other first-year teacher and shall receive full pay according to the adopted salary schedule of the district. The requirement for a yearlong beginning teacher program may be met by teaching in a nonpublic school with an approved beginning teacher program. The beginning teacher program shall include, but is not limited to, the following conditions:

1. Each school district shall submit a request for approval of a beginning teacher program to the Commissioner of Education. The commissioner shall develop criteria for approval after consultation with the Education Standards Commission. Nonpublic schools also may submit a plan for approval of a beginning teacher program.

2. Beginning teacher activities shall be based on classroom application of the competencies described in subsection (2).

3. Successful completion of the beginning teacher program means that the superintendent or chief administrator has verified to the Department of Education that the beginning teacher has successfully completed the program.

4. A beginning teacher who has successfully completed the beginning teacher program shall have the same reemployment rights as any other teacher on probationary service.

Section 2. Section 231.174, Florida Statutes, is created to read:

231.174 Alternate preparation program for school teachers.—

(1) There is established an alternate preparation program to prepare individuals who have not completed a professional preparation program for teachers to teach in the schools of this state, particularly in areas of critical shortage which are annually identified in the General Appropriations Act.

(2) Each participant in an alternate preparation program must meet the requirements for a 2-year nonrenewable temporary certificate prior to admission into the program.

(3) Standards for evaluating alternate preparation programs shall be equivalent to those used to evaluate preservice teacher education programs.

(4) Successful completion of an approved alternate teacher preparation program satisfies the certification requirements for professional preparation as a teacher and must be based on the following:

(a) Successful demonstration of the essential teaching competencies specified in Rule 6A-5.061, Florida Administrative Code;

(b) Successful completion of a 1-year modified beginning teacher program during the period of enrollment in the alternate preparation program; and

(c) Passing the Florida Teacher Certification Examination.

(5) The Department of Education shall establish six regional programs for the alternate preparation of teachers and shall cooperate with universities and districts in each designated region to develop implementation procedures. Such procedures must, in accordance with s. 231.546(1)(e), provide ways to demonstrate qualifications for certification which assure fairness and flexibility while protecting against incompetence.

(6) The six regional programs shall be designated by the State Board of Education after dissemination of a request for proposals prepared by the department, evaluation by the department of the proposals submitted by institutions of higher education, and receipt by the State Board of Education of the recommendations of the department. Each proposal must contain such mandatory components as required by the department, including, but not limited to:

(a) A collaborative planning, implementation, and evaluation design that involves school districts and universities within the region;

(b) A professional preparation curriculum that addresses the competency framework specified in the request for proposals;

(c) An instructional delivery system that provides on-site training during nonduty hours for teachers;

(d) A plan which provides practice in teaching under the supervision of a school-based support team trained in clinical education; and

(e) A plan to issue official college transcripts which document participation in or completion of a state-approved alternate preparation program for teachers for initial certification.

(7) Each school district is encouraged to participate in a regional program for alternate teacher preparation. Participating districts shall be represented on the program's planning council. District-level coordination for delivery of alternate preparation programs shall, to the extent possible, be the responsibility of teacher education centers.

(8) Each regional program shall receive from state funds a fixed amount operating budget and funding for each participant which is equivalent to the current full-time equivalent allocation for upper division undergraduate teacher education programs.

(9)(a) The regional programs may charge a fee for any portion of an alternate preparation program provided prior to a participant being employed by a district.

(b) If a participant is employed as a teacher at a high-density, low-economic urban school or at a low-density, low-economic rural school, identified by the State Board of Education, any alternate preparation program fees paid by the participant must be reimbursed in accordance with rules adopted by the state board.

(10) Districts wishing to establish alternate preparation programs in addition to the regional centers shall submit a plan to the Department of Education and shall receive funding for each participant which is equiva-

lent to the current full-time equivalent allocation for upper division undergraduate teacher education programs. Such programs shall be evaluated pursuant to the procedures and criteria specified in subsection (11).

(11) The Department of Education shall provide technical assistance and monitor the activities of each program, annually evaluate and report on the performance of each program, and prepare recommendations regarding continuing approval.

(a) Evaluative data on program participants shall be collected by the Department of Education and compared to similar data for graduates of colleges of education and graduates of colleges of arts and sciences pursuing certification pursuant to Rule 6A-4.004(3), Florida Administrative Code. The evaluation must assure that the diverse teacher preparation programs offered in the state are adequately represented in the sample. The research design must include, where feasible, comparisons of:

1. Teacher performance in the classroom as measured by a structured observation instrument that includes essential teaching competencies;

2. Teacher certification examination results;

3. SAT/ACT and CLAST scores;

4. College grade point averages; and

5. Pupil performance measures.

(b) Periodic reports of the effectiveness of alternate preparation programs shall be submitted by the Department of Education to the State Board of Education beginning in January, 1989. A formal evaluation of the effects and value of the program shall be submitted when a sufficient pool of data is accumulated to permit comparative analyses.

Section 3. Paragraph (b) of subsection (2) of section 231.24, Florida Statutes, is amended to read:

231.24 Renewal of certificates.—

(2) For the renewal of a professional certificate, the following requirements shall be met:

(b) A candidate who holds an active certificate and has not been employed in an instructional *or administrative* position by a public school district or a nonpublic school requiring state certification having a Department of Education approved beginning teacher program plan at any time during the validity period of such current certificate may renew the certificate by receiving a passing score on the subject area examination or completing the college course credits as provided in paragraph (a); however, if the candidate becomes employed in an instructional position by a public school district or a nonpublic school requiring state certification having a Department of Education approved beginning teacher program plan, he shall undergo a performance evaluation by a performance measurement system approved by the department for such purpose during the first 3 months of employment. A candidate who fails to demonstrate satisfactory performance shall complete the beginning teacher program provided for in s. 231.17.

Section 4. Section 231.172, Florida Statutes, as amended by chapter 86-156, Laws of Florida, is repealed August 1, 1988.

Section 5. Any student entering his senior year in a college of education shall be notified in writing by the college of education of any new course requirements for teacher certification.

Senator Meek moved the following amendments which were adopted:

Amendment 5—On page 15, between lines 10 and 11, insert:

Section 5. Section 236.145, Florida Statutes, is created to read:

236.145 Residential nonpublic school contract reimbursement.—

(1) Annually, the Commissioner of Education shall obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed. The commissioner shall calculate by district and by student the total cost of the contracts and deduct the amount of the weighted full-time equivalent students generated plus the amount of federal handicapped entitlement funds per student and any amount paid by the Department of Health and Rehabilitative Services, or other federal, state, or local agency. Sixty percent of the difference between the actual cost of contract and the funds deducted shall be eligible for reimbursement.

(2) The commissioner shall request from the Legislature annually the amount of funds needed to reimburse the districts as calculated in subsection (1). If the Legislature does not appropriate the full amount requested, the amount appropriated shall be prorated among all eligible students.

Section 6. Sections 7 through 21 of this act may be cited as the "Florida Professional Educator Act of 1988."

Section 7. Section 11.077, Florida Statutes, is created to read:

11.077 General or special laws affecting education reporting requirements.—Prior to the enactment of any general or special law, each house of the Legislature shall consider the impact such legislation will have upon current reporting and other paperwork requirements imposed upon the education system of the State of Florida. No general or special law shall be declared invalid for failure to comply with the provisions of this section.

Section 8. Section 231.55, Florida Statutes, is amended to read:

231.55 Legislative intent; declaration.—

(1) It is the intent and purpose of the Legislature that the practice of teaching in the public school system and its related services including administering and supervisory services, shall be designated as professional services.

(2) Teaching is hereby declared to be a profession in Florida *and teachers to be professional educators*, with all the similar rights, responsibilities and privileges accorded other legally recognized professions.

Section 9. Subsection 228.041, Florida Statutes, is amended, and subsections (36) and (37) are added to said section, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(9) INSTRUCTIONAL PERSONNEL.—*The terms* "instructional personnel," *"teacher" and* ~~means any member of the~~ "instructional staff" *may be used synonymously and shall be* ~~as~~ defined by regulations of the state board *to mean professionals providing direct instructional services to students in schools. Except as provided by state board rule, these persons shall be certified pursuant to chapter 231 and shall include media specialists, student services personnel, and others employed by district school boards* ~~and shall be used synonymously with the word "teacher" and shall include teachers, librarians, and others engaged~~ in an instructional capacity in the schools. A student who is enrolled in an institution of higher education approved by the state board for teacher training and who is jointly assigned by such institution of higher education and a school board to perform practice teaching under the direction of a regularly employed and certificated teacher shall be accorded the same protection of the laws as that accorded the certificated teacher while serving such supervised internship, except for the right to bargain collectively with employees of the school board.

(36) SCHOOL-BASED MANAGEMENT.—School-based management means that the individual school center is the basic unit for planning and budgeting by the superintendent and the school board.

(37) COLLEGIAL DECISIONMAKING.—Collegial decisionmaking means that teachers are provided with sufficient opportunity by school administrators to participate in formulating operating policies that affect the classroom teaching environment.

Section 10. Paragraph (b) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 229.555, Florida Statutes, are amended to read:

229.555 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(b) Each district school board shall maintain a continuing system of planning and budgeting which shall be designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college district boards of trustees concerning the planning for vocational and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the minimum performance standards developed by the Depart-

ment of Education. The system shall be structured to meet the specific management needs of the district. The system of planning and budgeting shall ensure that the budget adopted by the district school board reflect the plan the board has also adopted.

(c) Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and ~~eventually to~~ integrate planning and budgeting at the school level.

1. Beginning July 1, 1989, schools may be managed by the principal as collegial enterprises. Teachers may be afforded sufficient opportunity by the principal to give advice on issues affecting the operation of the school, which may include, but are not limited to, curriculum development, school budget, selection of instructional materials, and school-based reporting requirements.

2. Each district may develop a model or models for school-based management and collegial decisionmaking based upon the characteristics of that district. These models shall recognize the management responsibilities of the principal provided in s. 231.085, of the superintendent provided in s. 230.33, and of the school board provided in s. 230.23, and shall be designed to provide the teachers of each school with sufficient opportunity to give advice on issues in which they have an interest. Each school in the district may implement a district model or, when approved by the school board, may modify a district model to meet the unique needs of that school.

3. *The development and adoption of the district model is subject ot the provisions of chapter 447. The implementation of the model shall be contingent upon the agreement and ratification of the model by both the employer and employees pursuant to s. 447.309. The provisions of s. 447.403 do not apply to local models developed for the purpose of implementing the provisions of this paragraph.*

Amendment 6—On page 15, between lines 10 and 11, insert:

Section 5. Section 231.495, Florida Statutes, is amended to read:

231.495 Retirement annuities authorized.—School boards are authorized to purchase annuities for all school personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System *or who have reached age 55 and have applied for retirement under plan E of the Teachers' Retirement System.* No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. *School boards may also purchase annuities for members of the Florida Retirement System who have out-of-state teaching service in another state or country that is documented as valid by the appropriate school board. Such annuities may be based on no more than 5 years of out-of-state teaching and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state teaching was authorized under that system.* School boards are authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for school personnel. All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 6. Section 240.344, Florida Statutes, is amended to read:

240.344 Retirement annuities authorized.—Each community college district board of trustees is authorized to purchase annuities for its community college personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System. No such annuity may provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit. Each district board of trustees is authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing retirement annuities for community college personnel. All such retirement annuities shall comply with s. 14, Art. X, of the State Constitution. *Community college boards of trustees may also purchase annuities for members of the Florida Retirement System who have out-of-state teaching service in another state or country that is documented as valid by the appropriate educational entity. Such annuities may be based on no more than 5 years of out-of-state teaching and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state teaching was authorized under this system.*

(Renumber subsequent section.)

On motion by Senator Meek, the Senate reconsidered the vote by which Amendment 5 was adopted. Amendment 5 failed.

Further consideration of **SB 920** was deferred.

RECESS

On motion by Senator Barron, the Senate recessed at 4:06 p.m. to reconvene at 4:30 p.m. or upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 5:11 p.m. A quorum present—30:

Mr. President	Dudley	Langley	Scott
Barron	Girardeau	Malchon	Thomas
Beard	Gordon	Margolis	Thurman
Brown	Grant	McPherson	Weinstein
Childers, D.	Hair	Meek	Weinstock
Childers, W. D.	Hollingsworth	Myers	Woodson
Crawford	Jenne	Plummer	
Deratany	Johnson	Ros-Lehtinen	

RECESS

On motion by Senator Barron, the Senate recessed at 5:13 p.m. to reconvene at 7:00 p.m. or upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 7:20 p.m. A quorum present—31:

Mr. President	Gordon	Kiser	Plummer
Barron	Grant	Langley	Ros-Lehtinen
Beard	Hair	Malchon	Stuart
Brown	Hill	Margolis	Thurman
Childers, D.	Hollingsworth	McPherson	Weinstein
Childers, W. D.	Jenne	Meek	Weinstock
Dudley	Jennings	Myers	Woodson
Girardeau	Johnson	Peterson	

SPECIAL ORDER, continued

Consideration of **CS for SB's 1158 and 1006** was deferred.

On motions by Senator Myers, by two-thirds vote HB 1599 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motions by Senator Myers, by two-thirds vote—

HB 1599—A bill to be entitled An act relating to tuberculosis control; creating ss. 392.501-392.69, F.S., the Tuberculosis Control Act; providing legislative findings and intent; providing definitions; requiring certain reporting of tuberculosis to the Department of Health and Rehabilitative Services; authorizing the department to interview certain persons; providing an exemption from public records law; providing for review and repeal; providing protection from liability; providing for protection of the names of persons subject to certain proceedings; providing for examination and treatment; providing for hospitalization, placement, or residential isolation; providing authority for emergency hold; providing restrictions; providing for service of notice and process; providing for forms; providing for rights to appeal and petition for immediate release; providing for community tuberculosis control programs; providing for hospitalization and residential placement programs; providing for temporary leave; requiring adherence to treatment plans; providing penalties; providing for confidentiality; authorizing certain release of information; providing for rules; providing unlawful acts and penalties; providing for fees and other compensation; providing for appropriations, and for hospital interest, sinking, and maintenance trust funds; authorizing certain use of funds by the department; repealing ss. 392.03-392.36, F.S., relating to tuberculosis hospitals; providing an effective date.

—a companion measure, was substituted for SB 1160 and by two-thirds vote read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1599 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Girardeau	Malchon	Stuart
Barron	Hair	McPherson	Thurman
Beard	Hollingsworth	Meek	Weinstein
Brown	Jenne	Myers	Weinstock
Childers, D.	Johnson	Plummer	Woodson
Childers, W. D.	Kiser	Ros-Lehtinen	
Dudley	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Hill, Jennings

Consideration of **CS for SB 1355** was deferred.

CS for SB 914—A bill to be entitled An act relating to psychiatric hospitals; amending s. 395.101, F.S.; defining the term "psychiatric specialty hospital" for certain purposes; exempting such hospitals from the assessment for public medical assistance, under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote CS for SB 914 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Girardeau	Kiser	Scott
Barron	Grant	Langley	Stuart
Beard	Hair	Malchon	Thomas
Brown	Hill	Meek	Thurman
Childers, D.	Hollingsworth	Myers	Weinstein
Childers, W. D.	Jenne	Plummer	Weinstock
Dudley	Johnson	Ros-Lehtinen	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

Consideration of **Senate Bills 489 and 1058** was deferred.

CS for SB 1350—A bill to be entitled An act relating to marriage and the family unit; creating the Task Force on the Future of the Florida Family to study current laws relating thereto; providing for membership, duties, and operations of the task force; providing for appointment of advisory persons and groups; providing for utilization of staff and resources of the Governor's Office and other executive agencies and for cooperation and consultation with legislative staff; providing for repeal; providing an appropriation; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1350 to conform the bill to CS for HB's 614, 103, CS for HB's 220 and 85, CS for HB 549, CS for HB 1435, HB's 1515, 1518, 1545 and 1546.

Pending further consideration of CS for SB 1350 as amended, on motion by Senator Woodson, by two-thirds vote CS for HB's 614, 103, CS for HB's 220 and 85, CS for HB 549, CS for HB 1435, HB's 1515, 1518, 1545 and 1546 was withdrawn from the Committees on Health and Rehabilitative Services; Governmental Operations; Rules and Calendar; and Appropriations.

On motion by Senator Woodson—

CS for HB's 614, 103, CS for HB's 220 and 85, CS for HB 549, CS for HB 1435, HB's 1515, 1518, 1545, and 1546—A bill to be entitled An act relating to prevention initiatives; creating the "Family Policy Act"; establishing a legislative goal; establishing provisions; providing legislative intent with respect to foster care; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide assistance and services to shelter and foster care homes and to children placed in foster or shelter care; providing procedures; providing for funding; providing for evaluation; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees' dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant; providing that salaries and wages used to compute grants may not be used in computing certain other tax credits; providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; revising interest requirements for loans; amending s. 411.103, F.S.; providing a definition; creating s. 411.1072, F.S.; requiring the establishment of community resource mother or father pilot programs by the Department of Health and Rehabilitative Services; providing for location of pilot programs; providing for contracts; providing criteria; authorizing the department to require other criteria; requiring the department to create a community resource mother or father advisory committee; requiring the committee to establish certain program guidelines in conjunction with the department; establishing a time limit for guideline development; providing for per diem and travel expenses; providing for terms and membership of committee; requiring preservice and ongoing training; providing for assignment of caseloads; providing for supervision; providing for evaluation; providing for a report; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children to reflect changes in protective investigations and current responsibilities; amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative placements; amending s. 39.402, F.S.; conforming terminology; amending s. 39.403, F.S.; providing for protective investigation by the department; amending s. 39.404, F.S.; conforming terminology; amending s. 110.1127, F.S., to change a cross-reference; amending s. 415.103, F.S.; renaming the central abuse registry and requiring any report of abuse, neglect, or exploitation to be handled by the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in administrative hearing process; amending s. 415.104, F.S.; providing standards and procedures for reports and for protective services investigations; amending s. 415.107, F.S.; conforming terminology and procedures; amending s. 415.111, F.S.; providing penalties for making false reports; amending s. 415.503, F.S.; providing definitions; amending s. 415.504, F.S.; conforming terminology; requiring child abuse and neglect reports to go to the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing procedures and time frames for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in the administrative hearing process; amending s. 415.505, F.S.; providing standards and procedures for reports and for protective services investigations; amending ss. 415.5055, 415.509, and 415.51, F.S.; conforming terminology; amending s. 415.507, F.S., relating to medical examinations of abused or neglected children; amending s. 415.511, F.S.; providing immunity from liability and prohibiting reprisal against person reporting; amending s. 415.513, F.S.; providing penalties for making a false report; amending s. 959.06, F.S., to change a cross-reference; amending s. 39.41, F.S., providing for court approval of independent living arrangements for certain foster children; requiring the disposition order to provide reasons for nonrelative placements and a determination that certain efforts were made by the Department of Health and Rehabilitative Services; providing conditions; amending s. 39.442, F.S., correcting cross references; amending s. 39.452, F.S., clarifying time frames for preparation and submission of permanent placement plans; delineating persons to receive a copy of the permanent placement plan; specifying possible outcome of plans; requiring a court review within 45 days of submission; specifying elements of review; requiring appointment of guardian ad litem under certain circumstances; providing for amendment to the plan; providing for parental request for court review; amending s. 39.466, F.S., clarifying when advisory hearings are held; providing time frames for adjudicatory hearing; providing for notice; amending s. 39.469, F.S., providing clarification of term used; amending ss. 230.645, 240.235, and 240.35, F.S., providing for fee exemptions under certain circumstances; amending s. 240.36, F.S., correcting a cross reference; amending s. 409.145, F.S., expanding the categories of persons who may continue to receive services in the children's foster care program; amending s. 409.165, F.S., providing for a continuum of independent living services and providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; amending s. 409.175, F.S., requiring training of

foster parents and emergency shelter parents as a condition of licensure; creating the Task Force on the Future of the Florida Family to study current laws relating to marriage and the family unit; providing for membership, duties, and operations of the task force; providing for appointment of advisory persons and groups; providing for utilization of staff and resources of the Governor's Office and other executive agencies and for cooperation and consultation with legislative staff; providing for repeal; creating a position entitled the Statewide Coordinator for Substance Abuse Prevention and Treatment; providing for administrative placement; providing responsibilities; directing the Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement to appoint a policy level staff person as the agency substance abuse coordinator; providing for substance abuse prevention coordinators; providing for a study on mandated insurance coverage for substance abuse treatment conducted by the Department of Insurance; directing each state university and community college to develop training programs; providing effective dates.

—a companion measure, was substituted for CS for SB 1350 and read the second time by title.

Senator W. D. Childers presiding

Senator Myers moved the following amendment:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. *(1) Goal of Legislature; creation of Family Policy Act.—The primary goal of the Legislature is to protect, preserve, and enhance the stability and quality of Florida's families through the funding of programs and services, and the enforcement of laws and policies to prevent family dysfunction and the loss of family independence. In furtherance of this goal, there is created the "Family Policy Act."*

(2) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 2. *Provisions of Family Policy Act.—In order to accomplish the goal of the Family Policy Act, the Legislature shall seek to provide to all families of this state the following:*

(1) Access to safe, affordable housing.

(2) A safe and nurturing environment which will preserve a sense of personal and family dignity.

(3) Adequate nutrition, shelter, and clothing.

(4) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(5) Protection from abuse, neglect, and exploitation.

(6) Equal opportunity and access to quality and effective education which will meet the individual needs of each family member and which will mobilize family strengths into effective educational action through a comprehensive partnership of the family, school, and community that reinforces and enhances family skills, reinforces a caring environment, and, where feasible, utilizes the school facility as a center for community activity.

(7) Equal opportunity and access to recreation and other community resources to develop individual abilities and to enhance family unity.

(8) Opportunity for full-time employment for those family members able to work, at a wage sufficient to maintain family independence.

(9) Opportunity for economic independence both for adult family members who are disabled and unable to work and for elderly family members.

(10) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 3. *Shelter and foster care services to dependent children.—*

(1) It is the intent of the Legislature to:

(a) Facilitate the reunification of families or the permanent placement of a child pursuant to parts III and IV of chapter 39, Florida Statutes.

(b) Provide an environment that enhances the physical, social, and emotional development of children in shelter and foster care.

(c) Provide the necessary services and treatment resources to meet the needs of children in shelter and foster care.

(d) Provide incentives and procedures that facilitate the recruitment and retention of quality shelter and foster homes.

(e) Allow assistance to shelter and foster care homes so that they may adequately provide for the proper care and well-being of children without placing an unnecessary economic burden on these homes.

(2) The Department of Health and Rehabilitative Services shall establish a 2-year pilot program in one rural and one urban county to provide the funding incentives and resources to fully provide assistance and services to shelter and foster homes and children in their care. The pilot program shall:

(a) Make available for each child in shelter and foster care discretionary financial resources of at least $500 annually to meet his or her special needs, including, but not limited to, the following:

1. Medical services.

2. Dental care.

3. Mental health services.

4. Accelerated family reunification services or other permanency planning.

5. Specialized educational or vocational skills services.

6. Social and recreational services.

7. Respite care services.

8. Advocacy services.

(b) Arrange for and provide specialized training for foster and shelter parents to help care for the children already in their home and to prepare them for the individual needs of children pending placement. The goal of this training is to provide quality care for the children in placement, and may include, but is not limited to, the following subject areas:

1. Supervision of specified illnesses, medical conditions, and injuries that can be provided by trained caregivers.

2. Behavior management and discipline.

3. Child care decisions.

4. Legal protections for abuse victims.

5. Foster parent participation in reunification or other permanency planning efforts.

6. Understanding and caring for the sexually abused child.

7. Handling the adolescent in temporary care.

(c) Provide to all shelter and foster care homes in the pilot program:

1. Liability insurance coverage for damages and injuries caused by children in their care pursuant to the provisions of the State Institutions Claim Fund, s. 402.181, Florida Statutes.

2. Regularly scheduled respite care or temporary relief care by joint-selected and trained homemakers.

3. Assistance by direct service aides for transporting children to medical and other appointments scheduled for the children in their care.

(d) Make available to the shelter and foster care units in the pilot program the following additional staff resources:

1. Foster care staffing at 100 percent of need as determined by the department's Workload Standards Study.

2. Intensive training on child growth and development, abuse treatment needs, and permanency planning.

3. Other support assistance to pilot program staff as needed to accelerate reunification or other permanency planning decisions.

(3) The department shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from participating districts. Each district seeking a pilot program pursuant to this section shall submit to the department a proposal, as specified in the request for proposal, which shall include, but not be limited to, documentation of cooperative agreements or support from local public or private agencies and organizations for the pilot program. Upon approval of the proposals, the department shall provide each pilot program district the sufficient funds within appropriations made available to establish the pilot program.

(4) The department is authorized to establish other policy provisions which are necessary to achieve the objectives specific to the pilot program.

(5) The department's Inspector General shall conduct or contract for a comprehensive evaluation of the pilot program. The evaluation report shall address the impact on the child, population served, the effect on family reunification and other permanency planning, the effect on recruitment and retention of shelter homes and foster family homes, cost, the impact of the provision of services to at-risk families and children on the number of children entering shelter care or foster care, the achievement of objectives and recommendations for the expansion or modification of the pilot programs to other districts.

Section 4. *Section 5 of this act may be cited as the "Child Care Partnership Act."*

Section 5. *Findings and intent; grant; limitation; rules.—*

(1)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale. The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.

(b) It is the intent of the Legislature to promote public/private partnerships to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.

(2)(a) Any private employer contributing to the cost of child care, which meets statutory requirements, for its employees' dependents may apply for a Child Care Partnership Act matching grant, in an amount equal to 50 percent of that employer's expenditures for child care of Florida employees' dependents. The amount of such grant shall not exceed the maximum amount established in subsection (4). For the purposes of this subsection, cost of child care includes, but shall not be limited to, the per-child cost of operation of onsite child care contributed to by the private employer, the cost of care purchased by the private employer on behalf of its employees, the cost of care provided by the private employer to employees in the form of vouchers, and the costs of support services as specified in paragraph (b).

(b) Private employers receiving child care matching grants pursuant to paragraph (a) shall maintain complete records of all child care expenditures made by the employer, in which case the reimbursable cost of these services shall not exceed 10 percent above the allowable contribution per child. If a private employer elects to engage a third party to maintain those records, the cost of such support services as records, health services, referrals, and monitoring are considered part of the cost of care.

(c) Salary reductions shall not be considered employer contributions for purposes of this subsection.

(d) All amounts claimed as contributions under this subsection shall be for care provided by a facility which meets Florida licensing or other applicable requirements.

(e) Employer contributions shall not include that portion of any child care service that is funded by state or federal moneys.

(3) Any portion of salaries or wages used in computing the contributions under this section shall not be used in computing the credit provided under s. 220.181, Florida Statutes.

(4) No private employer shall receive more than $100,000 in annual matching grants for contributions towards the cost of child care.

(5) The Department of Health and Rehabilitative Services shall promulgate any rules necessary for the implementation and administration of this section. Grant applications shall be processed on a first-come, first-served basis, and the department shall administer the grant program in such a fashion as to allow those qualifying private employers ample knowledge and assurance of matching funds prior to the employer's annual budgetary commitment. The private employer shall certify to the department, within 30 days of receiving such notice, the existence of unencumbered matching funds within its annual budget. Grant renewal for those recipients who have demonstrated a proven ability to comply with the requirements of this section and its accompanying rules shall take precedence over first-time applicants for a period of up to 3 years. The department shall also submit to the Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the number of private employers in Florida receiving Child Care Partnership Act matching grants, the amount of such grants, the overall effectiveness of the grant program in providing private-employer-sponsored child care, and the projected cost and benefits of extending and expanding the grant program for a period of 5 years from the date of effectiveness. This report shall be due April 1, 1989.

(6) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 6. Effective July 1, 1988, paragraph (a) of subsection (5) and subsection (9) of section 402.3195, Florida Statutes, are amended to read:

402.3195 Legislative intent; definition; Child Care Facility Trust Fund; loan program.—

(4) The department shall issue requests for proposals to establish or expand child care facilities in areas of the state with the greatest need for child care facilities. To be eligible to receive a loan, an applicant shall:

(a) Submit a proposal which meets the requirements of the request for proposal issued by the department.

(b) Be of good moral character as determined through screening as defined in ss. 402.301-402.319.

(c) Agree to comply with all applicable licensing requirements contained in ss. 402.301-402.319.

(d) Agree to make available up to 25 percent of the facility's child care slots for child care which is purchased by the department through central agencies, if a need and funding for such care exist.

No loan shall exceed $100,000.

(5) In addition to any terms or conditions which the department may require, each loan agreement shall include:

(a) Provision for interest, which shall be set at 5 percent per annum, *unless the applicant agrees to make available 75 percent or more of the facility's child care slots for child care as described in paragraph (4)(d), in which case, interest shall be set at 1 percent per annum.*

(9) The lending authority granted to the department under this section shall expire June 30, *1993* ~~1988~~. All unencumbered and repaid funds after this date shall revert and be transferred to the General Revenue Fund of the state, unallocated. Loan payments received in the fund after June 30, *1993* ~~1988~~, shall revert and be transferred to the General Revenue Fund, unallocated, as they are received.

Section 7. Effective July 1, 1988, subsections (1) through (11) of section 411.103, Florida Statutes, are renumbered as subsections (2) through (12), respectively, and a new subsection (1) is added to said section, to read:

411.103 Definitions.—As used in ss. 411.101-411.108, the term:

(1) "Community resource mother or father" means an individual under contract with a program funded by the Department of Health and Rehabilitative Services to provide social support, parent training, assistance, and education to high-risk pregnant women and handicapped or high-risk children and their parents.

Section 8. Effective July 1, 1988, section 411.1072, Florida Statutes, is created to read:

411.1072 Community resource mother or father program.—

(1) The Department of Health and Rehabilitative Services may establish community resource mother or father pilot programs. The purpose of the programs shall be to demonstrate the benefits of utilizing community resource mothers or fathers to improve maternal and child health outcomes; to enhance parenting and child development, including the educational enrichment of these children through the promotion of increased awareness by their mothers and fathers of their own strengths and potentials as home educators; and to support family integrity through the provision of social support; parent education and training; and assistance to pregnant women and high-risk or handicapped preschool children and their parents.

(2) Counties with high incidences of medically underserved high-risk children, low birthweight, and infant mortality shall be given priority for the establishment of the community resource mother or father pilot programs.

(3) The Department of Health and Rehabilitative Services shall select counties for pilot programs and shall contract with county public health units, other public agencies, not-for-profit agencies, or any combination thereof to carry out the programs utilizing community resource mother or father services.

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population and shall meet the following minimum criteria:

(a) Be at least 25 years of age.

(b) Be a mother or father.

(c) Be an AFDC recipient or person with income below the federal poverty level or have an income equivalent to community clients.

(5) The Department of Health and Rehabilitative Services may, in addition to the criteria in subsection (4), require other criteria to contract for community resource mother or father services.

(6) The Department of Health and Rehabilitative Services shall create a community resource mother or father advisory committee to monitor and advise the Department of Health and Rehabilitative Services in the development of the community resource mother or father program. The community resource mother or father advisory committee shall guide the Department of Health and Rehabilitative Services in the development of program guidelines, the development of requests for proposals, the selection of proposals, the establishment of evaluation procedures, the provision of technical assistance to individual projects, and the development of the program evaluation report.

(7) The Department of Health and Rehabilitative Services shall develop the guidelines.

(8) Members of the community resource mother or father advisory committee shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(9) The members of the community resource mother or father advisory committee shall serve terms of 3 years, and shall not exceed 15 members and shall include:

(a) The chairperson of the Department of Community and Family Health, College of Public Health, University of South Florida, or a representative of a public or private university department of public health who shall chair the committee;

(b) A state health officer;

(c) A representative from the Department of Health and Rehabilitative Services Handicap Prevention Unit, the Children's Medical Services Program Office, the Developmental Services Program Office, the Children, Youth and Families Program Office, and the Economic Services Program Office;

(d) A representative from the Developmental Disabilities Planning Council;

(e) A representative from the Bureau of Education for Exceptional Students, Florida Department of Education;

(f) A representative from the Interagency Council for Infants and Toddlers;

(g) A county public health unit director;

(h) A county public health unit nurse or social worker;

(i) A representative of a not-for-profit organization which represents the rights of high-risk pregnant women, high-risk children, or handicapped children and their parents;

(j) A representative from a home-based program, administered through a school system, which uses paraprofessional aides to train mothers of disadvantaged preschoolers to work with their children in the home setting not only to improve the educational capabilities of the children, but also to improve bonding through positive parent/child interaction and to improve both parenting skills and parent self-worth; and

(k) A parent representative of the target population.

(10) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health and Rehabilitative Services, in consultation with the community resource mother or father advisory council. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

(11) The community resource mother or father shall be assigned a caseload established by the Department of Health and Rehabilitative Services in consideration of geographic distance, severity of problems on the caseload and skills needed to address the problems. A plan shall be developed for each case that includes at minimum:

(a) A statement of the high-risk pregnant woman's problems or child's problems and needs.

(b) The goals and objectives of the intervention program.

(c) The services to be provided by the community resource mother or father.

(d) Community resources to be used.

(e) Schedule of visits between resource mothers or fathers and clients.

(12) Supervision of the community resource mother or father shall be the responsibility of the county public health unit, other public agency or nonprofit agency under contract to the department, whichever is appropriate, and may be delegated to a community agency under contract.

(13) Evaluation of the pilot projects shall be the responsibility of the Department of Health and Rehabilitative Services with the advice and assistance of the community resource mother or father advisory committee.

(14) Within 2 years after the implementation of any pilot projects, an evaluation report shall be presented to the Governor, the President of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives and the minority leader of the House of Representatives, evaluating the effectiveness of the community resource mother or father program. The report shall include cost-effectiveness data and recommendations for its continuation or discontinuation.

Section 9. Subparagraph 2. of paragraph (a) of subsection (4) and subparagraph 3. of paragraph (c) of subsection (5) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(4) ASSISTANT SECRETARIES.—The secretary shall appoint an Assistant Secretary for Programs and an Assistant Secretary for Administration, each of whom shall serve at the pleasure of, and be directly responsible to, the secretary. The secretary shall appoint a Deputy Assis-

tant Secretary for Programs, a Deputy Assistant Secretary for Regulation and Health Facilities, a Deputy Assistant Secretary for Medicaid, and a Deputy Assistant Secretary for Health, each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the Assistant Secretary for Programs.

(a) The Assistant Secretary for Programs shall have responsibility for general statewide supervision of the administration of service programs operated by the department and such other program development and planning duties as are assigned to him by the secretary. "General statewide supervision of the administration of service programs" means service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; monitoring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but does not involve line authority over any health or human services program operation of the department, including the management of institutions and residential treatment programs.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging shall be for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

b. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, and state supplementation of the supplemental security income (SSI) program.

c. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

d. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department.

e. Children, Youth, and Families Program Office.—The responsibilities of this program office encompass intake services for ~~dependent and~~ delinquent children, *families in need of services and children in need of services programs and protective investigation services for abandoned, abused, and neglected children; interstate compact on the placement of children programs*; children's protective services; adoption; child care; foster care programs; specialized services to families; all programs operated by the department relating to delinquent children; and related mental health services for children and youth in coordination with the Alcohol, Drug Abuse, and Mental Health Program Office.

f. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department except those programs for children and youth which shall be handled in coordination with the Children, Youth, and Families Program Office. In addition, the responsibility for adult forensic programs shall be located within this office.

(5) SERVICE DISTRICTS.—

(c) The duties of the district administrator shall include, but are not limited to:

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include *an* ~~a single~~ intake system for delinquency, *families in need of services and children in need of services programs, and a protective investigation system for dependency programs serving abandoned, abused, and neglected children* ~~and dependency juvenile programs~~.

Section 10. Subsections (26) and (27) of section 39.01, Florida Statutes, are amended, and subsections (55) and (56) are added to said section, to read:

39.01 Definitions.—When used in this chapter:

(26) "Intake" means the acceptance of a law enforcement report or complaint *of delinquency, family in need of services, or child in need of services* and the screening thereof to determine whether action by the court is warranted, the disposition of the report or complaint without court or public agency action when appropriate, the referral of the child to another public or private agency when appropriate, and the recommendation by the intake officer of court action when appropriate.

(27) "Intake officer" means the authorized agent of the department performing the intake function for a child alleged to be delinquent *or*~~,~~ ~~dependent,~~ in need of services, or from a family in need of services.

(55) "Protective investigation" means the acceptance of a report alleging child abuse or neglect, as defined in s. 415.503, by the central abuse registry and tracking system or the acceptance of a report of other dependency by the local children, youth, and families office of the department; the investigation and classification of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; the referral of a child to another public or private agency when appropriate; and the recommendation by the protective investigator of court action when appropriate.

(56) "Protective investigator" means an authorized agent of the department who receives, investigates, and classifies reports of child abuse or neglect as defined in s. 415.503; who, as a result of the investigation, may file a dependency petition for the child under the criteria of paragraph (10)(a); and who performs other duties necessary to carry out the required actions of the protective investigation function.

Section 11. Subsections (2) and (3) of section 39.401, Florida Statutes, are amended to read:

39.401 Taking a child alleged to be dependent into custody.—

(2) If the person taking the child into custody is not *a protective investigator* ~~an intake officer~~, he shall:

(a) Release the child to a parent, guardian, legal custodian, responsible adult approved by the court when limited to temporary emergency situations, responsible adult relative *who shall be given priority consideration over a nonrelative placement*, or responsible adult approved by the department; *within 3 days* following such release, the person taking the child into custody shall make a full written report to the *protective investigation* ~~intake~~ office of the department *for cases involving allegations of abandonment, abuse, or neglect or to the appropriate service unit of the local children, youth, and families office within the department for other dependency cases* ~~within 3 days~~; or

(b) Deliver the child to *a protective investigator* ~~an intake officer~~ of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is *abandoned, abused, or neglected* ~~dependent~~, and make a full written report to the *protective investigation* ~~intake~~ office of the department within 3 days. *For any other dependent child, deliver the child to the appropriate service unit of the local children, youth, and families office within the department and provide the required report to that unit office.*

(3) If the child is taken into custody by, or is delivered to, *a protective investigator* ~~an intake officer~~, the *protective investigator* ~~intake officer~~ shall review the facts and make such further inquiry as necessary to determine whether the child should remain in custody or be released. Unless shelter is required as provided in s. 39.402(1), the *protective investigator* ~~intake officer~~ shall:

(a) Release the child to his parent, guardian, legal custodian, a responsible adult relative *who shall be given priority consideration over a nonrelative placement*, or a responsible adult approved by the department; or

(b) Authorize placement of a *housekeeper/homemaker* ~~caretaker/homemaker~~ in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

Section 12. Subsections (3) and (4) and paragraph (b) of subsection (8) of section 39.402, Florida Statutes, are amended to read:

39.402 Placement in a shelter.—

(3) If the *protective investigator* ~~intake officer~~ determines that placement in a shelter is necessary according to the provisions of subsections (1) and (2), the *protective investigator* ~~intake officer~~ shall authorize placement of the child in a shelter and shall immediately notify the parents or legal custodians that the child was taken into custody.

(4) If the child is alleged to be both dependent and delinquent, the *protective investigator* ~~intake officer~~ may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.032.

(8)

(b) In the interval until the detention hearing is held pursuant to paragraph (a), the decision as to placement in a shelter or release of the child from a shelter shall lie with the *protective investigator* ~~intake officer~~ in accordance with subsection (3).

Section 13. Section 39.403, Florida Statutes, is amended to read:

39.403 *Protective investigation* ~~Intake~~.—

(1) *Protective investigation* ~~Intake~~ shall be performed by the department. A report or complaint alleging that a child is dependent *as a result of child abuse or neglect as defined in s. 415.503 shall be made to the central abuse registry and tracking system. Complaints alleging that a child is dependent on any basis other than as a result of child abuse or neglect as defined in s. 415.503 shall be made to the local children, youth, and families office of the department* ~~shall be made to the intake office~~ operating in the county in which the child is found or in which the case arose. Any person or agency having knowledge of the facts may make a report or complaint. The complainant shall furnish the *protective investigation office or the appropriate service unit of the local children, youth, and families office of the department, whichever is appropriate,* ~~intake office~~ facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child is dependent.

(2) The *protective investigator* ~~intake officer~~ shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney when necessary. In any case in which the *protective investigator* ~~intake officer~~ or the state attorney finds that the report or complaint is incomplete, the *protective investigator* ~~intake officer~~ or state attorney shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with ss. 415.502-415.514 shall not be violated.

(a) If the *protective investigator* ~~intake officer~~ determines that the report or complaint is complete, he may, after determining that such action would be in the best interests of the child, file a petition for dependency.

(b) If the *protective investigator* ~~intake officer~~ determines that the report or complaint is complete, but that in his judgment the interest of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and his parents or legal custodians, the *protective investigator* ~~intake officer~~ may refer the child for such care or other treatment.

(c) If the *protective investigator* ~~intake officer~~ refuses to file a petition for dependency, the complainant shall be advised of his right to file a petition pursuant to this part.

Section 14. Subsections (3) and (6) of section 39.404, Florida Statutes, are amended to read:

39.404 Petition for dependency.—

(3) When the child has been taken into custody, a petition alleging dependency shall be filed within 7 days of the date the child is taken into custody. In all other cases, the petition shall be filed within a reasonable time after the date the child was referred to *protective investigation* ~~intake~~ pursuant to s. 39.403.

(6) When a petition for dependency has been filed and the parents or custodians of the child have advised the *protective investigation* ~~intake~~ office that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the *protective investigator* ~~intake officer~~ may set the case before the court for an adjudicatory hearing. Neither the state attorney nor an assistant state attorney shall be required to be present at the adjudicatory hearing. Should there be a change in the plea at this hearing, the court shall continue the hearing to permit the state attorney to prepare and present the case for the state.

Section 15. Paragraph (a) of subsection (3) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children or the developmentally disabled for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

a. Section 782.04, relating to murder.

b. Section 782.07, relating to manslaughter.

c. Section 782.071, relating to vehicular homicide.

d. Section 782.09, relating to killing of an unborn child by injury to the mother.

e. Section 784.011, relating to assault, if the victim of the offense was a minor.

f. Section 784.021, relating to aggravated assault.

g. Section 784.03, relating to battery, if the victim of the offense was a minor.

h. Section 784.045, relating to aggravated battery.

i. Section 787.01, relating to kidnapping.

j. Section 787.02, relating to false imprisonment.

k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.

l. Section 794.011, relating to sexual battery.

m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.

n. Chapter 796, relating to prostitution.

o. Section 798.02, relating to lewd and lascivious behavior.

p. Chapter 800, relating to lewdness and indecent exposure.

q. Section 806.01, relating to arson.

r. Section 812.13, relating to robbery.

s. Section 826.04, relating to incest.

t. Section 827.03, relating to aggravated child abuse.

u. Section 827.04, relating to child abuse.

v. Section 827.05, relating to negligent treatment of children.

w. Section 827.071, relating to sexual performance by a child.

x. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.

y. Chapter 847, relating to obscene literature.

z. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

aa. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony; or

2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, regardless of adjudication or disposition. For the purposes of this subsection, such a finding or plea has the same effect as a finding of guilt; or

3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01~~(2) and (30)~~; or

4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(5) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

5. Having committed an act which constitutes domestic violence as defined in s. 741.30.

Section 16. Paragraph (a) of subsection (1), subsection (3), and paragraph (a) of subsection (4) of section 415.103, Florida Statutes, are amended to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory reports of death; central abuse registry *and tracking system*; immunity from liability.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of aged persons or disabled adults;

2. Health or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff, adult congregate living facility staff, adult day care center staff, social worker, or other professional adult care, foster care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer; or

6. Human rights advocacy committee or long-term care ombudsman council member,

who knows, or has reasonable cause to suspect, that an aged person or disabled adult is an abused, neglected, or exploited person shall immediately report such knowledge or suspicion to the central abuse registry *and tracking system* of the department on the single statewide toll-free telephone number ~~or directly to the local office of the department responsible for investigation of reports made pursuant to this section~~.

(3) CENTRAL ABUSE REGISTRY *AND TRACKING SYSTEM*.—

(a) The department shall establish and maintain a central abuse registry *and tracking system* which shall receive *all* reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected abuse, neglect, or exploitation of an aged person or disabled adult at any hour of the day or night, any day of the week. The central abuse registry *and tracking system* shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of adult abuse, neglect, or exploitation *through the department's automated tracking system.*

2. Monitor and evaluate the effectiveness of *the department's program for* reporting, ~~and~~ investigating, *and classifying* suspected abuse, neglect, or exploitation of aged persons or disabled adults, and the provision of protective services to such persons through the development and analysis of statistical and other information, and to report thereon.

3. Track critical steps in the investigative process to ensure compliance with all requirements for all reports.

~~4.~~3. Maintain and produce aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation of aged persons or disabled adults.

~~5.~~4. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for aged persons or disabled adults who have been subject to abuse, neglect, or exploitation.

(b) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult, the central abuse registry *and tracking system* shall *determine if the report requires an immediate on-site protective investigation. For reports requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated aging and adult services district staff responsible for protective investigations immediately to ensure prompt initiation of an on-site investigation. For reports not requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated aging and adult services district staff responsible for protective investigations in sufficient time to allow for an investigation to be commenced within 24 hours. At the time of notification of district staff with respect to the report, the central abuse registry and tracking system shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports* ~~immediately notify the designated aging and adult services district staff of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto~~.

(c) Upon completion of its investigation, the designated aging and adult services district staff of the department shall classify reports either as "confirmed," "indicated," or "unfounded." At this time, the department shall notify the victim named in the report, the guardian or guardians or the caregiver of the aged person or disabled adult named as the victim, and the alleged perpetrator, if other than the guardian or guardians or the caregiver, of the completion of the investigation of the report, the classification of the report, and the right to ask for amendment or expunction pursuant to paragraph (d). All identifying information in the central abuse registry *and tracking system* or other computer systems or records that is related to an unfounded report shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the *central* abuse registry *and tracking system* related to an indicated report shall be expunged from the *central abuse* registry *and tracking system* 7 years from the date of the last indicated report concerning any person named in the report. All information, other than identifying information, related to an indicated or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded ~~and indicated~~ reports shall only be indexed by the name of the aged person or disabled adult to detect patterns of abuse, neglect, or exploitation. Persons named in unfounded or indicated reports shall not be identified as alleged perpetrators. All information in the *central* abuse registry *and tracking system* or other computer systems or records shall be subject to the confidentiality provisions in s. 415.107.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.101-415.113, the department shall amend or expunge the record. The department shall notify the victim and the alleged perpetrator of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, the victim or alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the abuse registry or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.101-415.113.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may, within 1 year of the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the alleged perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse *or neglect* report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR THE CENTRAL ABUSE REGISTRY *AND TRACKING SYSTEM.*—

(a) The statewide toll-free telephone number for the central abuse registry *and tracking system* shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged persons or disabled adults. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of an Aged Person or Disabled Adult, Please call Toll-free 1-800-342-9152."

Section 17. Subsections (1) and (2) of section 415.104, Florida Statutes, are amended to read:

415.104 Protective services investigations of cases of abuse, neglect, or exploitation of aged persons or disabled adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged person or disabled adult, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival at the scene of the incident, a caregiver refuses to allow the department to begin a protective services investigation or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted. If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate criminal justice agency shall be orally notified in order that such agency may begin a criminal investigation concurrent with the protective services investigation of the department. The department shall make a preliminary written report to the criminal justice agency within 5 working days of the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the aged person or disabled adult alleged to have been abused, neglected, or exploited and the nature of the report. For each report it receives, the department shall perform an on-site investigation to:

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, *date of birth* ~~age~~, *social security number,* sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determination of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, *including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator of a confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the identification and tracking system to the fullest extent possible.*

(d) Determine the immediate and long-term risk to each aged person or disabled adult *through utilization of standardized risk assessment instruments* ~~, if such person remains in the existing environment~~.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being *and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.*

If the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred shall be notified.

(2) No later than 30 days after receiving the initial report, the designated aging and adult services district staff of the department shall complete its investigation; determine whether the reported abuse, neglect, or exploitation was "confirmed," "indicated," or "unfounded"; and report its findings to the department's central abuse registry *and tracking system.*

Section 18. Subsections (1), (4), and (5) of section 415.107, Florida Statutes, are amended to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(1) In order to protect the rights of the individual or other persons responsible for the welfare of an aged person or disabled adult, all records concerning reports of abuse, neglect, or exploitation of the aged person or disabled adult, including reports made to the central abuse registry *and tracking system* ~~and to designated aging and adult services district offices of the department~~, and all records generated as a result of such reports shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.101-415.113.

(4) The name of any person reporting adult abuse, neglect, or exploitation shall in no case be released to any person other than employees of the department responsible for adult protective services, the central abuse registry *and tracking system,* or the appropriate state attorney without the written consent of the person reporting abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. This does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attor-

ney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of adult abuse, neglect, or exploitation may, at the time he makes the report, request that the department notify him that an adult protective services investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 working days of the completion of the adult protective services investigation.

(5)(a) The department shall search its *central* abuse registry *and tracking system* records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 959.06 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall remain classified as "indicated" or shall be classified as "confirmed" according to the definitions in s. 415.102. If the report remains classified as "indicated," the individual shall not be disqualified. If the report is classified as "confirmed," the department shall notify the individual according to the provisions in s. 415.103(3)(d). The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search, the date of the report, whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.103(3)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing. The department shall not release any information on unfounded or indicated reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(b) The department shall, upon receipt of an application of a person applying for an initial license or renewal of a license for a facility to provide day or residential care for aged persons or disabled adults, search its central abuse registry *and tracking system* for the existence of a confirmed report of child or adult abuse, neglect, or exploitation as defined in ss. 415.102(1), (5), (9), (11), and (13) and 415.503(3), (5), and (9) and advise the licensing agent of any report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the perpetrator to respond pursuant to s. 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report. Such a report shall disqualify an individual from licensure, but the department may grant an exemption from disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of aged persons or disabled adults. The decision of the department regarding an exemption may be contested through a hearing pursuant to chapter 120. A disqualified person may also request amendment or expunction of the report pursuant to s. 415.103(3)(d). For purposes of a licensure application, these remedies must be requested within 30 days of notification, or be deemed waived. The department shall notify any individual disqualified from licensure of the right to appeal that disqualification, of remedies available, and of the time limit for requesting such remedies pursuant to the provisions of this subsection. The department may issue no license until screening procedures and, if necessary, administrative remedies are complete. However, a conditional or provisional license may be issued in the case of an existing licensed facility for only that time necessary to complete the above screening procedures and administrative remedies. No application for licensure shall be deemed complete until all requested screening information has been correctly submitted pursuant to department procedure.

Section 19. Subsection (2) of section 415.111, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

415.111 Penalties for failing to report or preventing report, or for disclosing confidential information, relating to abuse, neglect, or exploitation of aged person or disabled adult or for act of such abuse, neglect, or exploitation; *penalties for making false reports.*—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry *and tracking system,* or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of an aged person or disabled adult, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 20. Subsection (4) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(4) "Child protection team" means a team of professionals established by the department to receive referrals from the *protective investigators* ~~single intake~~ and protective *supervision* ~~services~~ staff of the children, youth, and families program and to provide specialized and supportive services to the program in processing child abuse and neglect cases. A child protection team shall provide consultation to other programs of the department and other persons on child abuse and neglect cases pursuant to s. 415.5055(1)(g).

Section 21. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 415.504, Florida Statutes, are amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; *central* abuse registry *and tracking system.*—

(2)(a) Each report of known or suspected child abuse or neglect pursuant to this section shall be made immediately to the department's *central* abuse registry *and tracking system* on the single statewide toll-free telephone number ~~or directly to the local office of the department responsible for investigation of reports made pursuant to this section.~~

(b) Each report made by a person in an occupation designated in subsection (1) shall be confirmed in writing to the local office of the department *designated by the central abuse registry and tracking system* within 48 hours of the initial report.

(4)(a) The department shall establish and maintain a central abuse registry *and tracking system* which shall receive *all* reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected child abuse or neglect at any hour of the day or night, any day of the week. The *central* abuse registry *and tracking system* shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of child abuse or neglect *through utilization of the department's automated tracking system.*

2. *Monitor and* ~~Regularly~~ evaluate the effectiveness of the department's program for *reporting, investigating, and classifying suspected abuse or neglect of* ~~abused and neglected~~ children through the development and analysis of statistical and other information.

3. Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse or neglect.

4. Maintain and produce aggregate statistical reports monitoring patterns of both child abuse and child neglect.

5. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse or neglect.

(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the *central* abuse registry *and tracking system* shall *determine if the report requires an immediate on-site protective investigation. For reports requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall immediately notify the department's designated children, youth, and families district staff responsible for protective investigations to ensure that an on-site investigation is promptly initiated. For reports not*

requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated children, youth, and families district staff responsible for protective investigations in sufficient time to allow for an investigation to be commenced within 24 hours. At the time of notification of district staff with respect to the report, the central abuse registry and tracking system shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports ~~immediately notify the local office of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto~~.

(c) Upon completion of its investigation, the local office of the department shall classify reports as "confirmed," "indicated," or "unfounded." At this time the department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator if other than the child's parent or guardian, of the completion of its investigation of the report and whether the report is classified as "confirmed," "indicated," or "unfounded." All identifying information in the *central* abuse registry *and tracking system* or other computer systems or records that is related to unfounded reports shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the *central* abuse registry *and tracking system* or other computer systems or records that is related to an indicated report shall be expunged from the *central abuse* registry *and tracking system* 7 years from the date of the last indicated report concerning any person named in the report. All information, other than identifying information, related to indicated or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded ~~and indicated~~ reports shall only be indexed by the name of the child to detect patterns of abuse or neglect. Persons named in the unfounded or indicated reports shall not be identified as alleged perpetrators. All information in the *central* abuse registry *and tracking system* or other computer systems or records shall be subject to the confidentiality provisions in s. 415.51.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.501-415.514, the department shall amend or expunge the record. The department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator if other than the child's parent or guardian of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, any alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the *central* abuse registry *and tracking system* or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.501-415.514.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may within 1 year of the classification of the report as confirmed request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the alleged perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse *or neglect* report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

Section 22. Paragraphs (b) and (f) of subsection (1) of section 415.505, Florida Statutes, are amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)

(b) For each report it receives, the department shall perform an onsite child protective investigation to:

1. Determine the composition of the family or household, including the name, address, *date of birth* ~~age~~, *social security number,* sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents or other persons responsible for the child's welfare; and any other adults in the same household.

2. Determine whether there is indication that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse or neglect, *including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator in a confirmed report of abuse or neglect shall cooperate in the provision of the required data for the identification and tracking system, to the fullest extent possible.*

3. Determine the immediate and long-term risk to each child *through utilization of standardized risk assessment instruments* ~~if the child remains in the existing home environment~~.

4. Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's well-being and development and *cause the delivery of those services through the early intervention of the departmental worker responsible for provision and management of identified services in order* ~~, if possible,~~ to preserve and stabilize family life, *if possible.*

(f) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation, determine whether the reported abuse was confirmed, indicated, or unfounded, and report its findings to the department's *central* abuse registry *and tracking system.*

Section 23. Subsection (1) of section 415.5055, Florida Statutes, is amended to read:

415.5055 Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(1) The department shall utilize and convene the teams to supplement the *protective investigation* ~~single intake~~ and protective *supervision* ~~services~~ activities of the children, youth, and families program of the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to s. 415.504 all suspected or actual cases of child abuse or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or his parent or parents, guardian or guardians, or other care givers, or any other individual involved in a child abuse or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or his parent or parents, guardian or guardians, or other care givers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse and neglect cases.

(j) Educational and community awareness campaigns on child abuse and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse and neglect in the community.

Section 24. Subsection (1) of section 415.507, Florida Statutes, is amended to read:

415.507 Photographs, medical examinations, X rays, and medical treatment of abused or neglected child.—

(1) Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report and, if the areas of trauma visible on a child indicate a need for a medical examination, may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, legal guardian, or legal custodian. *Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464.* Any licensed physician, *or advanced registered nurse practitioner licensed pursuant to chapter 464,* who has reasonable cause to suspect that an injury was the result of child abuse may authorize a radiological examination to be performed on the child without the consent of the child's parent, legal guardian, or legal custodian.

Section 25. Subsection (2) of section 415.509, Florida Statutes, is amended to read:

415.509 Responsibilities of public agencies with respect to prevention, identification, and treatment of child abuse and child neglect; educational and training programs.—

(2) The department shall, within available appropriations, conduct a continuing publicity and education program for district staff and officials required to report and any other appropriate persons to encourage the fullest degree of reporting of suspected child abuse or neglect. The program shall include, but not be limited to, information concerning the responsibilities, obligations, and powers provided under ss. 415.502-415.514; the methods for diagnosis of child abuse or neglect; and the procedures of the child protective service program, the circuit court, and other duly authorized agencies. In developing training programs for district staff, the department shall place emphasis on preservice and inservice training for *protective investigation* ~~single intake~~, protective *supervision* ~~services~~, and foster care staff which would include skills in diagnosis and treatment of child abuse and neglect and procedures of the child protective system and judicial process.

Section 26. Subsections (1), (4), (5), (6), and (7) of section 415.51, Florida Statutes, are amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(1) In order to protect the rights of the child and his parents or other persons responsible for the child's welfare, all records concerning reports of child abuse or neglect, including reports made to the *central* abuse registry *and tracking system* ~~and to local offices of the department~~ and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.502-415.514. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(4) The department shall search its *central* abuse registry *and tracking system* records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 959.06 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall remain classified as indicated or shall be classified as confirmed according to the definitions in s. 415.503. If the report remains classified as indicated, the individual may not be disqualified. If the report is classified as confirmed, the department shall notify the individual according to the provisions of s. 415.504(4)(d). The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search, the date of the report, whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), results of any hearing conducted by the secretary and any subsequent administrative hearing, and in the case of judicial determination of abuse, the procedure for inspection of court records as set forth in s. 39.411(3). The department shall not release any information on unfounded or indicated reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(5) The department shall, with the written consent of a person applying to a licensed child-placing agency for the adoption of a child, search its *central* abuse registry *and tracking system* for the existence of a confirmed report and advise the licensed child-placing agency of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(6) Except as provided in subsection (4), the department shall, with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, or for an individual family, search its *central* abuse registry *and tracking system* for the existence of a confirmed report and shall advise such agency or family of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(7) The name of any person reporting child abuse or neglect shall not be released to any person other than employees of the department responsible for child protective services, the *central* abuse registry *and tracking system*, or the appropriate state attorney without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse or neglect when deemed necessary by the state attorney or the department to protect a child who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days of the completion of the child protective investigation.

Section 27. Section 415.511, Florida Statutes, is amended to read:

415.511 Immunity from liability in cases of child abuse or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by ss. 415.502-415.514 shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in s. 415.503(8)(f), nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his actions in reporting abuse or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 28. Subsection (2) of section 415.513, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

415.513 Penalties for failing to report or preventing another person from reporting, or disclosing confidential information relating to, a case of child abuse or neglect*; penalties for making a false report.*—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the *central* abuse registry *and tracking system* or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully makes a false report of child abuse or neglect, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 29. Paragraph (a) of subsection (4) of section 959.06, Florida Statutes, is amended to read:

959.06 Departmental contracting powers.—

(4) Standards for screening shall also ensure that the person:

(a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01~~(2) and (30)~~;

(b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) which has been uncontested or has been upheld pursuant to s. 415.504(4)(d);

(c) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(5) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

(d) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

Section 30. Paragraph (f) is added to subsection (1) of section 39.41, Florida Statutes, subsection (7) of said section is amended, subsections (3) through (7) are renumbered as subsections (4) through (8), respectively, and a new subsection (3) is added to said section, to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(f) Approve placement of the child in an independent living arrangement pursuant to s. 409.165 for any foster child 16 years of age or older, if the following requirements are met:

1. The child has demonstrated independent living skills.

2. The child is capable of functioning without the daily care and supervision of a responsible adult.

3. Pursuant to s. 39.451, a performance agreement or permanent placement plan stating the goal of independent living and specifying the responsibilities, tasks, and expectations of all parties has been prepared, signed by all appropriate parties, and submitted to the court along with a petition for review and a social study report.

4. The child on independent living status is willing and able to maintain regular periodic contact with the department staff assigned to his case for the purpose of counseling, monitoring progress toward independence, referral to community resources for assistance, and other functions as specified in the written agreement described in subparagraph 3.

5. The court has heard evidence presented on the merits of placing the child on independent living status at a periodic judicial review for which all parties were noticed and the hearing held pursuant to the requirements of s. 39.451.

6. It can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement.

While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, or relative within the second degree, shall continue to be subject to the court review provisions of s. 39.453. The court shall review the plan developed by the department or agency pursuant to s. 409.165(4)(b)1. and include findings regarding the plan.

(3) If the court does not commit the child to the temporary legal custody of an adult relative, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative willing to care for the child in order to present that placement option to the court in lieu of placement with the department.

(8)~~(7)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to his parents pursuant to subsection *(7)*~~(6)~~, the court shall not terminate its jurisdiction over the child until 6 months after the return. Based on a report of the department or agency and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 31. Paragraph (a) of subsection (2) and subsection (6) of section 39.442, Florida Statutes, are amended to read:

39.442 Powers of disposition.—

(2)(a) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child shall have the power, by order, to:

1. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision shall be regularly reviewed by the court and shall continue until the court terminates it.

2. Place the child in the temporary legal custody of an adult relative willing to care for the child.

3. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, shall additionally be governed by the provisions of s. 409.168.

4. Commit the child to the temporary legal custody of the department. Such commitment shall invest in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment shall continue until terminated by the court. After the child is committed to the temporary custody of the department, all further proceedings under this section shall additionally be governed by the provisions of part III and *part V* ~~s. 409.168~~.

(6) With respect to a child who is the subject of a performance agreement under *part V* ~~s. 409.168~~, the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement.

Section 32. Subsections (1), (4), and (5) of section 39.452, Florida Statutes, are amended to read:

39.452 Permanent placement plan.—

(1)*(a)* In the event the natural parents will not or cannot participate in preparation of a performance agreement, the social service agency shall submit a full explanation of the circumstances and a plan for the permanent placement of the child to the court *within 30 days after the placement of the child in foster care or, if preparation cannot be accomplished within 30 days, for good cause shown, the court may grant an extension not to exceed 30 days for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a)* ~~within the time as provided for a performance agreement~~.

(b) In the full explanation of the circumstances submitted to the court, the social service agency shall state the nature of its efforts to secure parental participation in the preparation of a performance agreement.

(4)(a) Prior to the filing of a permanent placement plan, each parent shall be served with a copy of the permanent placement plan developed by the social service agency. If the location of one or both parents is unknown, then this fact shall be documented in writing and included in the permanent placement plan submitted to the court. After the filing of the permanent placement plan, if the location of an absent parent becomes known, that parent shall then be served with a copy of the permanent placement plan.

(b) Prior to the filing of the permanent placement plan, the social service agency shall advise each parent, both orally and in writing, that the placement of the child in foster care may result in the termination of parental rights, but only after notice and hearing as provided in part VI. If, after the plan has been submitted to the court, an absent parent is located, the social service agency shall advise the parent, both orally and in writing, that the placement of the child in foster care may result in termination of parental rights, but only after notice and hearing as provided in part VI. Proof of written notification shall be filed with the court.

(5)(a) The court shall set a hearing, with notice to all parties, on the permanent placement plan or any provisions of the plan, within 45 days after the plan has been received by the court. If the location of a parent is unknown, then the notice shall be directed to the last permanent address of record.

(b) At the hearing on the plan, the court shall determine:

1. All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem, pursuant to Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known, but the parent is not present at the hearing, and the development of the permanent placement plan is based upon the physical, emotional, or mental condition or physical location of the parent;

2. If the plan is consistent with previous orders of the court placing the child in care;

3. If the plan is consistent with the requirements for the content of a permanent placement plan as specified in subsection (3);

4. In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings pursuant to the Florida Rules of Juvenile Procedure;

5. Whether each parent whose location was known was notified of the right to enter into a performance agreement in lieu of the social service agency preparing a permanent placement plan and of the right to receive assistance from any other person in the preparation of the performance agreement; and

6. Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in foster care voluntarily.

(c) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the social service agency to make necessary amendments to the plan. The amended plan shall be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan shall also be provided to each parent, if the location of the parent is known.

(d)~~(4)~~ A parent who has not participated in the development of a performance agreement shall be served with a copy of the plan developed by the social service agency if the parent can be located. Any parent is entitled to, and may seek, a court review of the plan prior to the initial 6 months' review and shall be informed of this right by the agency at the time the agency serves the parent with a copy of the plan. *If the location of an absent parent becomes known to the agency, the agency shall inform the parent of the right to a court review at the time the agency serves the parent with a copy of the permanent placement plan.*

~~(5) The social service agency shall advise the parent that placement of the child in foster care may result in termination of parental rights, but only after notice and a hearing as provided in part VI of this chapter.~~

Section 33. Subsection (3) is added to section 39.466, Florida Statutes, to read:

39.466 Advisory hearing.—

(3) An advisory hearing shall not be held if a petition is filed seeking an adjudication to terminate parental rights pursuant to s. 39.464(1). Adjudicatory hearings for petitions filed pursuant s. 39.464(1) shall be held within 21 days of the filing of the petition. Notice of the use of this subsection shall be filed with the court at the same time as the filing of the petition to terminate parental rights.

Section 34. Subsection (1) of section 39.469, Florida Statutes, is amended to read:

39.469 Disposition hearing; powers of disposition; order of disposition.—

(1) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for termination of parental rights were proven in the adjudicatory hearing, the court shall receive and consider a predisposition study which shall be in writing and be presented by ~~an authorized agent of~~ the department *or a licensed child-placing agency.*

(a) The predisposition study shall provide the court with documentation indicating what action is manifestly in the best interests of the child, including the need for termination of parental rights.

(b) A copy of the predisposition report shall be provided to the attorney of record of the parent, parents, or guardian and the guardian ad litem of the child at least 48 hours prior to the disposition hearing but shall not be released prior to the conclusion of the adjudicatory hearing.

(c) Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Section 35. Effective July 1, 1988, or upon becoming a law, whichever occurs later, paragraph (f) is added to subsection (2) of section 230.645, Florida Statutes, to read:

230.645 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of fees for instruction:

(f) Students for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living.

Section 36. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (6) is added to section 240.235, Florida Statutes, to read:

240.235 Fees.—

(6)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would provide, at a minimum, payment of all undergraduate fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 4 consecutive years or eight semesters, unless the student is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing programs. Such a student shall be eligible to receive a fee exemption for a maximum of 5 consecutive years or 10 semesters.

(c) As a condition for continued fee exemption, a student shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

Section 37. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsections (1) through (9) of section 240.35, Florida Statutes, are renumbered as subsections (2) through (10), respectively, and a new subsection (1) is added to said section to read:

240.35 Student fees.—

(1)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would provide, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or four semesters, unless the student is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing programs. Such a student shall be eligible to receive a fee exemption for a maximum of 3 consecutive years or six semesters.

(c) As a condition for continued fee exemption, a student shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

Section 38. Effective July 1, 1988, or upon becoming a law, whichever occurs later, paragraph (b) of subsection (7) of section 240.36, Florida Statutes, is amended to read:

240.36 Florida Academic Improvement Trust Fund for Community Colleges.—

(7)

(b) If a community college includes scholarships in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment, but may not be used for athletic participants. The board of trustees must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35*(7)*~~(6)~~ in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.

Section 39. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children.—

(3)(a) The department is authorized to continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, ~~or enrolled~~ in a program leading to a high school equivalency diploma as defined in s. 229.814, *or in a full-time vocational education program,* if the following requirements are met:

1. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

2. All other resources have been thoroughly explored and it can be clearly established that there are no alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, ~~or~~ in a program leading to a high school equivalency diploma as defined in s. 229.814, *or in a full-time vocational education program.* Services shall be terminated upon completion of, or withdrawal or permanent expulsion from, high school, ~~or~~ the program leading to a high school equivalency diploma, *or a full-time vocational education program.*

(c)1. The department is authorized to provide the services of the children's foster care program to an individual who is enrolled full-time in a postsecondary vocational-technical education program, full-time in a community college program leading toward a vocational degree or an associate degree, or full-time in a university or college, if the following requirements are met:

a. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

b. The permanency planning goal pursuant to part V of chapter 39 for the individual is long-term foster care or independent living;

c. The individual has been accepted for admittance to a postsecondary vocational-technical education program, to a community college, or to a university or college;

d. All other resources have been thoroughly explored and it can be clearly established that there are no alternative resources for placement; and

e. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department; the individual; and the foster parent or licensed child-caring agency providing the placement resources, if the individual is to continue living with the foster parent or placement resource while attending a postsecondary vocational-technical education program, community college, or university or college. An individual who is to be continued in or placed in independent living shall continue to receive services according to the independent living program and agreement of responsibilities signed by the department and the individual.

2. Any provision of this chapter or any other law to the contrary notwithstanding, where an individual who meets the requirements of subparagraph 1. is in attendance at a community college, college, or university, the department may make foster care payments to such community college, college, or university in lieu of payment to the foster parents or individual, for the purpose of room and board, if not otherwise provided, but such payments shall not exceed the amount that would have been paid to the foster parents had the individual remained in the foster home.

3. The services of the foster care program shall continue only for an individual under this paragraph who is a full-time student, but shall continue for not more than:

a. Two consecutive years for an individual in a postsecondary vocational-technical education program;

b. Two consecutive years or four semesters for an individual enrolled in a community college; unless the individual is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing program, in which case such services shall continue for not more than 3 consecutive years or six semesters; or

c. Four consecutive years, eight semesters, or 12 quarters for an individual enrolled in a college or university; unless the individual is participating in college preparatory instruction or is requiring additional time to complete the college level communication and computation skills testing programs, in which case such services shall continue for not more than 5 consecutive years, 10 semesters, or 15 quarters.

4.a. As a condition for continued foster care services, an individual shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall grade point average of 2.0 for only the previous term, and be eligible for continued enrollment in the institution. If the postsecondary vocational-technical school program does not operate on a grade point average as described above, then the individual shall maintain a standing equivalent to the 2.0 grade point average.

b. Services shall be terminated upon completion of, graduation from, or withdrawal or permanent expulsion from a postsecondary vocational-technical education program, community college, or university or college. Services shall also be terminated for failure to maintain the required level of academic achievement.

Section 40. Subsection (3) of section 409.165, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

409.165 Alternate care for children.—

(3) With the written consent of parents, custodians, or guardians, or in accordance with those provisions in chapter 39 that relate to dependent children, the department, under rules properly adopted, may place a child ~~with~~:

(a) *With* a relative;

(b) *With* a person who is considering the adoption of a child in the manner provided for by law;

(c) When limited to temporary emergency situations, *with* a responsible adult approved by the court; ~~or~~

(d) *With* a person or agency licensed by the department in accordance with s. 409.175; *or*

(e) In an independent living situation, subject to the provisions of subsection (4),

under such conditions as are determined to be for the best interests or the welfare of the child. Any child placed in an institution or in a family home by the department or its agency may be removed by like authority and such disposition made as is for the best interest of the child, including the transfer to another institution, another home, or the home of the child.

(4)(a) State foster care funds shall be used to establish a continuum of independent living services to assist adolescent foster children to develop skills that will contribute to a successful transition to adulthood. Services may include, but are not limited to, education and vocational training, homemaking skills, money management, social skills training, and developing personal support systems.

(b) As a part of the continuum for independent living services, the department shall establish an independent living program in which a minor 16 years of age or older lives independent of the daily care and supervision of a responsible adult, in a setting that need not be licensed under the provisions of s. 409.175, provided the following conditions exist:

1. Independent living arrangements which are established for a child shall be part of an overall plan leading to the total independence of the child from departmental supervision. The plan shall include, but not be limited to: a description of the skills of the minor and a plan for learning additional identified skills; the behavior that the minor has exhibited that indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; documentation of the level of school achievement and vocational training and a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services by the department and other agencies, including the type of service, and nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

2. Foster care payments in an amount established by the department may be made directly to children in independent living situations who meet the requirements for continued foster care. Individuals who meet the criteria for continued foster care as specified in s. 409.145(3) may also remain eligible for foster care payments.

(c) The department shall establish procedures and criteria to assess and determine a child's ability to demonstrate independent living skills.

Section 41. Subsection (13) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(13)*(a)* In order to provide improved services to children, the department shall provide, or cause to be provided, ~~to the extent possible within available resources,~~ preservice training for prospective foster parents *and emergency shelter parents* and inservice training for foster parents *and emergency shelter parents* who are licensed and supervised by the department.

(b) As a condition of licensure, foster parents and emergency shelter parents shall successfully complete a minimum of 21 hours of preservice training. The preservice training shall be uniform statewide and shall include, but not be limited to, such areas as:

1. Orientation regarding agency purpose, objectives, resources, policies, and services;

2. Role of the foster parent and the emergency shelter parent as a treatment team member;

3. Transition of a child into and out of foster care and emergency shelter care, including issues of separation, loss, and attachment;

4. Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;

5. Prevention of placement disruptions;

6. Care of children at various developmental levels, including appropriate discipline; and

7. Effects of foster parenting on the family of the foster parent and the emergency shelter parent.

(c) Prior to licensure renewal, each foster parent and emergency shelter parent shall successfully complete 8 hours of inservice training. Periodic time-limited training courses shall be made available for selective use by foster parents and emergency shelter parents. Such inservice training shall include subjects affecting the daily living experiences of foster parenting as a foster parent or as an emergency shelter parent, whichever is appropriate. For a foster parent or emergency shelter parent participating in the required inservice training, the department shall reimburse such parent for travel expenditures and, if both parents in a home are attending training or if the absence of the parent would leave the children without departmentally approved adult supervision, either the department shall make provision for child care or shall reimburse the foster or emergency shelter parents for child care purchased by the parents for children in their care.

Section 42. *Task Force on the Future of the Florida Family; creation; membership; duties; advisory persons; staffing and support.—*

(1) CREATION.—In order to provide a means by which the state may obtain a comprehensive report on the current status and future of the Florida family, obtain a comprehensive range of strategies for addressing issues during the 1989 legislative session, and obtain a reassessment of those issues and recommendations cited in the report of the 1975 Florida Task Force on Marriage and the Family Unit to determine the need for action by the Legislature on those issues, there is created the Task Force on the Future of the Florida Family to be composed of 19 members.

(2) MEMBERSHIP.—

(a) The composition of the Task Force on the Future of the Florida Family shall be as follows:

1. Six persons appointed by the President of the Senate, at least two of whom must be members of the Senate.

2. Six persons appointed by the Speaker of the House of Resentatives, at least two of whom must be members of the House of Representatives.

3. Three members to be appointed by the Governor.

(b) The task force shall designate one of its members to serve as chairperson. The duties of the chairperson shall include responsibility for the administration of the task force.

(c) Members of the task force shall receive no compensation, but shall be reimbursed for expenses as provided in s. 112.061, Florida Statutes.

(3) DUTIES OF THE TASK FORCE.—The duties of the task force shall include, but not be limited to, the following:

(a) Conduct a comprehensive study on the current status and future of the Florida family, including reassessing and evaluating existing laws, rules, programs, and funding pertaining to the family to ascertain what needs to be changed to assure that state government contributes to strengthening of the family and the future of the family.

(b) Establish priorities on issues that are identified and provide a time line for addressing those issues, with greater emphasis for activity of the task force being given to those issues requiring immediate response by the Legislature, judiciary, or executive agencies.

(c) Provide a comprehensive range of strategies for addressing the issues identified in the study for consideration during the 1989 and 1990 legislative sessions.

(d) Reassess those issues and recommendations cited in the study of the 1975 Florida Task Force on Marriage and the Family Unit that did not result in legislative, administrative, or judicial action to determine the need for action, if any, on those issues in the 1989 and 1990 legislative sessions.

(e) Issue a preliminary report on or before March 1, 1989, to the President of the Senate, Speaker of the House of Representatives, and the Governor to include a progress report on the activities of the task force and the identification of any issues requiring immediate response by the Legislature during the 1989 legislative session to include specific recommendations on statutory and budgetary changes.

(f) Issue a final report to the President of the Senate, Speaker of the House of Representatives, and the Governor by February 1, 1990, which presents the findings of the study and makes such recommendations in the form of proposed legislation and appropriations as are deemed necessary.

(g) Appoint, as necessary, advisory persons and groups in the different geographic regions of the state, who will provide information relating to the family for use by the task force.

(4) ADVISORY PERSONS AND GROUPS.—

(a) Advisory persons and groups may consist of attorneys specializing in family law; judges from the circuit court with experience in family and juvenile law; representatives from the Department of Health and Rehabilitative Services with expertise in areas affecting families and children; educators from the state university and community college systems and other institutions of higher learning specializing in marriage and the family, child development, social work, or other related fields; family counselors; psychologists; psychiatrists; members of the clergy representing different faiths; economists versed in family finances; male and female single parents; teenage parents or persons who raised children as a teenage parent; teenage children of divorced parents; representatives of law enforcement; and other citizens with specialized concern and knowledge in the area of family dynamics.

(b) Public hearings, to be attended by members of the task force, may be held in each of the geographic regions where the advisory persons and groups meet.

(c) Persons serving in an advisory capacity shall serve without any compensation.

(5) OPERATION OF THE TASK FORCE.—

(a) The task force is authorized to employ consultants as necessary to fulfill its responsibilities.

(b) The task force shall secure staff assistance and use clerical resources, materials, and other support services of the Executive Office of the Governor and other executive agencies, in order that maximum expertise may be obtained at minimum costs.

(c) The task force shall use the talents, expertise, and resources within the state, and especially those of the university and community college systems, to whatever extent practicable.

(d) Agencies of state government shall provide to the task force such information, data, and staff assistance as requested by the task force.

(e) The task force may apply for and accept funds, grants, gifts, and services from the state, the Federal Government, or any other public or private source and is authorized to use funds derived from these sources to defray clerical and administrative costs as may be necessary for the completion of the assigned duties of the task force. Such contributions may also be used in accordance with s. 112.061, Florida Statutes, to defray costs of expenses of task force members and functions of the task force.

(6) REPEAL.—This section is repealed July 1, 1990.

(7) This section shall take effect December 1, 1988.

Section 43. *Substance abuse coordination.—*

(1) There is created a Statewide Coordinator for Substance Abuse Prevention and Treatment which shall be an interdepartmental and interagency position, with respect to the departments and agencies of the state, for programs and services affecting persons who abuse alcohol and drugs. The Statewide Coordinator for Substance Abuse Prevention and Treatment shall be administratively located in an agency as designated by the Governor, but shall function independently of the control and supervision of the administering agency. The statewide coordinator shall report directly to the Governor. The responsibilities of the statewide coordinator shall include, but are not limited to:

(a) Developing an annual state comprehensive plan for the war on alcohol and drug abuse which shall include a description of the current problem, data on specialized populations which are currently underserved, and recommendations on the types of programs and services needed to address the substance abuse problem.

(b) Coordinating the prevention, education, treatment, and criminal justice activities across the various state agencies.

(c) Coordinating the activities of advocacy groups, providers, parents, consumers, religious organizations, and volunteers.

(d) Encouraging the participation of concerned citizens in the development of the state plan as required in paragraph (a) and in fundraising and public awareness efforts.

(2) The Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse coordinator. The responsibilities of the agency coordinator shall include interagency and intraagency coordination, collection and dissemination of agency specific data relating to substance abuse, and participation in the development of the state plan.

(3) The Department of Health and Rehabilitative Services shall establish, within each of its 11 districts, a full-time position to be filled by a person with expertise in the area of substance abuse who shall serve as a substance abuse prevention coordinator. The primary responsibility of this person shall be to develop and implement activities which foster the prevention of substance abuse.

Section 44. *Training programs.—*

(1) Each state university and community college shall develop courses designed for public school teachers, counselors, physicians, law enforcement personnel and other professionals, to assist them in recognizing symptoms of alcoholism and drug abuse and to identify resources for referral and treatment.

(2) Such courses shall be made available to students currently enrolled and for continuing education units.

Section 45. Except as otherwise provided herein, this act shall take effect October 1, 1988.

Senator Myers moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 79, lines 9 and 15, strike *"shall"* and insert: *may*

Senator Woodson moved the following amendment to Amendment 1 which was adopted:

Amendment 1B—On page 79, between lines 16 and 17, insert:

Section 45. Subsection (4) is added to section 396.042, Florida Statutes, to read:

396.042 Duties and functions of the department.—

(4) The department shall establish a program for dissemination to the counties of origin of funds collected pursuant to s. 939.017 for use in alcohol treatment programs. Allocation of such moneys to specific treatment programs shall be determined by the boards of county commissioners pursuant to department criteria and guidelines.

Section 46. Subsection (5) of section 397.031, Florida Statutes, is amended to read:

397.031 Duties of department.—The Department of Health and Rehabilitative Services, hereinafter referred to as "department," shall:

(5)*(a)* Establish a funding program for the dissemination of available federal, state, and private funds to units of state or local government or private organizations which establish and implement approved local drug abuse prevention or treatment programs.

(b) The department shall establish a program for dissemination to the counties of origin of funds collected pursuant to s. 939.017 for use in drug treatment programs. Allocation of such moneys to specific treatment programs shall be determined by the boards of county commissioners pursuant to department criteria and guidelines.

Section 47. Section 939.017, Florida Statutes, is created to read:

939.017 Misdemeanor convictions involving drugs or alcohol; additional costs.—

(1)(a) When any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of $15. Under no condition shall a political subdivision be held liable for the payment of such sum.

(b) The clerk of the court shall collect the $15 and forward $14 thereof to the Treasurer, to be deposited to the credit of the Department of Health and Rehabilitative Services for allocation to local alcohol and drug treatment programs, pursuant to ss. 396.042(4) and 397.031(5). The clerk shall retain the remaining $1 of each $15 collected as a service charge of the clerk's office.

(2) The costs imposed by this section apply only in each county in which the board of county commissioners has adopted an ordinance which requires the collection of such costs.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment:

Amendment 2—In title, strike everything before the enacting clause and insert: An act relating to prevention initiatives; creating the "Family Policy Act"; establishing a legislative goal; establishing provisions; providing legislative intent with respect to foster care; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide assistance and services to shelter and foster care homes and to children placed in foster or shelter care; providing procedures; providing for funding; providing for evaluation; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees' dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant; providing that salaries and wages used to compute grants may not be used in computing certain other tax credits; providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; revising interest requirements for loans; amending s. 411.103, F.S.; providing a definition; creating s. 411.1072, F.S.; providing for the establishment of community resource mother or father pilot programs by the Department of Health and Rehabilitative Services; providing for location of pilot programs; providing for contracts; providing criteria; authorizing the department to require other criteria; authorizing the department to create a community resource mother or father advisory committee; requiring the committee to establish certain program guidelines in conjunction with the department; providing for per diem and travel expenses; providing for terms and membership of committee; requiring preservice and ongoing training; providing for assignment of caseloads; providing for supervision; providing for evaluation; providing for a report; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children to reflect changes in protective investigations and current responsibilities; amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative placements; amending s. 39.402, F.S.; conforming terminology; amending s. 39.403, F.S.; providing for protective investigation by the department; amending s. 39.404, F.S.; conforming terminology; amending s. 110.1127, F.S., to change a cross-reference; amending s. 415.103, F.S.; renaming the central abuse registry and requiring any report of abuse, neglect, or exploitation to be handled by the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in administrative hearing process; amending s. 415.104, F.S.; providing standards and procedures for reports and for protective services investigations; amending s. 415.107, F.S.; conforming terminology and procedures; amending s. 415.111, F.S.; providing penalties for making false reports; amending s. 415.503, F.S.; providing definitions; amending s. 415.504, F.S.; conform-

ing terminology; requiring child abuse and neglect reports to go to the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing procedures and time frames for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in the administrative hearing process; amending s. 415.505, F.S.; providing standards and procedures for reports and for protective services investigations; amending ss. 415.5055, 415.509, and 415.51, F.S.; conforming terminology; amending s. 415.507, F.S., relating to medical examinations of abused or neglected children; amending s. 415.511, F.S.; providing immunity from liability and prohibiting reprisal against person reporting; amending s. 415.513, F.S.; providing penalties for making a false report; amending s. 959.06, F.S., to change a cross-reference; amending s. 39.41, F.S., providing for court approval of independent living arrangements for certain foster children; requiring the disposition order to provide reasons for nonrelative placements and a determination that certain efforts were made by the Department of Health and Rehabilitative Services; providing conditions; amending s. 39.442, F.S., correcting cross references; amending s. 39.452, F.S., clarifying time frames for preparation and submission of permanent placement plans; delineating persons to receive a copy of the permanent placement plan; specifying possible outcome of plans; requiring a court review within 45 days of submission; specifying elements of review; requiring appointment of guardian ad litem under certain circumstances; providing for amendment to the plan; providing for parental request for court review; amending s. 39.466, F.S., clarifying when advisory hearings are held; providing time frames for adjudicatory hearing; providing for notice; amending s. 39.469, F.S., providing clarification of term used; amending ss. 230.645, 240.235, and 240.35, F.S., providing for fee exemptions under certain circumstances; amending s. 240.36, F.S., correcting a cross reference; amending s. 409.145, F.S., expanding the categories of persons who may continue to receive services in the children's foster care program; amending s. 409.165, F.S., providing for a continuum of independent living services and providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; amending s. 409.175, F.S., requiring training of foster parents and emergency shelter parents as a condition of licensure; creating the Task Force on the Future of the Florida Family to study current laws relating to marriage and the family unit; providing for membership, duties, and operations of the task force; providing for appointment of advisory persons and groups; providing for utilization of staff and resources of the Governor's Office and other executive agencies; providing for repeal; creating a position entitled the Statewide Coordinator for Substance Abuse Prevention and Treatment; providing for administrative placement; providing responsibilities; directing the Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement to appoint a policy level staff person as the agency substance abuse coordinator; providing for substance abuse prevention coordinators; directing each state university and community college to develop training programs; providing effective dates.

Senator Woodson moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—In title, on page 6, line 22, after the semicolon (;) insert: amending ss. 396.042, 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program for the dissemination of such moneys for use in local alcohol and drug treatment programs; creating s. 939.017, F.S.; providing for imposition of a surcharge on persons found guilty of a misdemeanor involving alcohol and drugs as an additional cost in the case;

Amendment 2 as amended was adopted.

On motion by Senator Woodson, by two-thirds vote CS for HB's 614, 103, CS for HB's 220 and 85, CS for HB 549, CS for HB 1435, HB's 1515, 1518, 1545 and 1546 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Brown	Childers, W. D.	Dudley
Beard	Childers, D.	Deratany	Girardeau
Gordon	Jennings	Meek	Thurman
Grant	Johnson	Myers	Weinstein
Hair	Langley	Ros-Lehtinen	Weinstock
Hill	Malchon	Scott	Woodson
Hollingsworth	Margolis	Stuart	
Jenne	McPherson	Thomas	

Nays—None

Vote after roll call:

Yea—Crawford

SB 489—A bill to be entitled An act relating to the Florida Medicare Supplement Reform Act; amending s. 627.672, F.S.; redefining the terms "Medicare supplement policy" and "policy" and defining the term "applicant"; amending s. 627.673, F.S.; providing additional penalties for violations with respect to Medicare supplement insurance; creating s. 627.6736, F.S.; providing filing requirements for out-of-state group policies; amending s. 627.674, F.S.; revising language with respect to minimum standards; creating s. 627.6745, F.S.; providing for loss-ratio standards and agent compensation limitations; providing an effective date.

—was read the second time by title.

Two amendments failed and two were adopted to SB 489 to conform the bill to CS for HB 632.

Pending further consideration of SB 489 as amended, on motion by Senator Gordon, by two-thirds vote CS for HB 632 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Gordon—

CS for HB 632—A bill to be entitled An act relating to the Florida Medicare Supplement Reform Act; amending s. 627.672, F.S.; redefining the terms "Medicare supplement policy" and "policy" and defining the term "applicant"; amending s. 627.673, F.S.; providing additional penalties for violations with respect to Medicare supplement insurance; creating s. 627.6736, F.S.; providing filing requirements for out-of-state group policies; amending s. 627.674, F.S.; revising language with respect to minimum standards; creating s. 627.6745, F.S.; providing for loss ratio standards; providing an effective date.

—a companion measure, was substituted for SB 489 and read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 8, strike lines 9 and 10, and insert:

(b) For individual policies issued or renewed prior to July 1, 1989, at least 60 percent of the aggregate amount of premiums earned and for individual policies issued on or after July 1, 1989, at least 65 percent of the aggregate amount of premiums earned.

Amendment 2—On page 9, between lines 3 and 4, insert:

(4) This section is repealed on July 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, prior to such date.

Amendment 3—In title, on page 1, line 14, after the semicolon (;) insert: providing for review and repeal;

On motion by Senator Gordon, by two-thirds vote CS for HB 632 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Barron	Grant	Malchon	Stuart
Beard	Hair	Margolis	Thomas
Brown	Hill	McPherson	Thurman
Childers, D.	Hollingsworth	Meek	Weinstein
Childers, W. D.	Jenne	Myers	Weinstock
Deratany	Jennings	Peterson	Woodson
Dudley	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	
Gordon	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Crawford

SB 978—A bill to be entitled An act relating to fraudulent practices; creating s. 817.361, F.S.; prohibiting the sale or transfer of nontransferable multiday or multievent tickets; providing penalties; specifying powers of the circuit court to enjoin violations; providing that property used in violation is subject to forfeiture; providing for seizure of such property; providing for civil proceedings; providing for damages and recovery of court costs and attorney's fees; providing effect of final judgment or decree; providing for intervention by Department of Legal Affairs; providing for application of other remedies; providing construction; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 978 to conform the bill to CS for HB 1102.

Pending further consideration of SB 978 as amended, on motion by Senator Jennings, by two-thirds vote CS for HB 1102 was withdrawn from the Committee on Commerce.

On motions by Senator Jennings, by two-thirds vote—

CS for HB 1102—A bill to be entitled An act relating to fraudulent practices; creating s. 817.361, F.S.; prohibiting the sale or transfer of nontransferable multiday or multievent tickets; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 978 and by two-thirds vote read the second time by title.

Senator Weinstein moved the following amendment which failed:

Amendment 1—On page 1, lines 24 and 25, strike "or without consideration,"

On motion by Senator Jennings, by two-thirds vote CS for HB 1102 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Barron	Grant	Langley	Stuart
Beard	Hair	Malchon	Thomas
Brown	Hill	McPherson	Thurman
Childers, D.	Hollingsworth	Meek	Weinstock
Childers, W. D.	Jenne	Myers	Woodson
Deratany	Jennings	Ros-Lehtinen	
Dudley	Johnson	Scott	

Nays—4

Girardeau	Gordon	Plummer	Weinstein

On motion by Senator Jennings, by two-thirds vote CS for CS for HB 777 was withdrawn from the Committee on Commerce.

On motions by Senator Jennings, by two-thirds vote—

CS for CS for HB 777—A bill to be entitled An act relating to pari-mutuel wagering; creating s. 550.013, F.S.; providing legislative findings; providing for operating days, conditions, and exceptions with respect to greyhound racing, jai alai, harness racing, and thoroughbred racing in conjunction with recommendations made by the Florida Pari-mutuel Commission; providing legislative intent; amending ss. 550.09 and 551.06, F.S.; clarifying language with respect to the admission tax; amending s. 550.095, F.S., relating to additional taxes, to conform; amending ss. 550.066, 550.0841, and 550.37, F.S.; correcting references; amending s. 550.33, F.S.; correcting a cross-reference; including reference to a specified thoroughbred permittee with respect to substitutions; repealing s. 550.065, F.S., relating to certain harness racing permits; repealing s. 550.08, F.S., relating to the maximum length of race meetings; repealing s. 550.082, F.S., relating to special allocation periods of operation of certain dogracing tracks; repealing s. 550.083, F.S., relating to periods of operation generally for dogracing; repealing s. 550.0831, F.S., relating to dogracing periods; repealing s. 550.291, F.S., relating to periods of operation for greyhound racing and jai alai; repealing s. 550.34, F.S., relating to dogracing at North Florida tracks; repealing s. 550.351, F.S., relating to the effect of certain passed amendments; repealing s. 551.031(3), F.S., relating to periods of operation for certain jai alai frontons; repealing s. 551.15, F.S., relating to special allocation of periods of operation for certain frontons; repealing ss. 551.152, 551.153, and 551.155, F.S., relating to additional jai alai days; providing for repeal of certain sections of the act under certain circumstances; amending s. 550.04, F.S.; revising language with respect to racetrack meetings to conform; amending s. 550.35, F.S.; deleting prohibition against certain transmission of racing and jai alai information; amending s. 550.355, F.S.; correcting references; amending s. 20.16, F.S.; providing for the appointment of commission members; providing for meetings; requiring minutes of meetings; providing for per diem and travel expenses for members; deleting provisions listing the authority of the commission; amending s. 550.02, F.S.; providing a date for the issuance of the annual report by the division on the racing and jai alai industry in this state; creating s. 550.022, F.S.; consolidating the authority of the commission within chapter 550, F.S., for consistency; amending s. 120.57, F.S.; exempting certain hearings held by the Division of Pari-mutuel Wagering from the requirement of having a hearing officer under the Administrative Procedures Act; amending s. 550.011, F.S.; deregulating race dates with respect to thoroughbred horseracing; amending s. 550.09, F.S.; revising language with respect to the tax on handle; amending s. 550.10, F.S.; authorizing the division to place conditions or restrictions on certain licenses; amending s. 550.16, F.S., relating to pari-mutuel pools, to conform; amending s. 550.262, F.S., to correct a cross-reference; amending s. 550.29, F.S.; revising language with respect to reallocation of racing dates; creating s. 550.52, F.S.; providing for operating days for Florida thoroughbred racing; providing for the indefinite suspension of ss. 550.081(1), (2), (3), (4), and (6), 550.40, 550.41, 550.42, 550.43, 550.45, 550.46, and 550.4904, F.S., relating to racing periods; reviving and readopting provisions relating to the commission, notwithstanding repeal scheduled pursuant to the Sundown Act, and providing for future review and repeal of said provisions; amending s. 12(3) of ch. 87-38; advancing the date of repeal for the provision relating to additional tax on handle; providing for the application of the act; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 916 and by two-thirds vote read the second time by title.

Senator Jennings moved the following amendment:

Amendment 1—strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 20.16, Florida Statutes, is amended to read:

20.16 Department of Business Regulation.—There is created a Department of Business Regulation.

(4)*(a)* There is created within the Department of Business Regulation a Florida Pari-mutuel Commission, to consist of a chairman and four other members, all to be appointed by the Governor, subject to confirmation by the Senate. ~~The initial Florida Pari-mutuel Commission shall consist of the Board of Business Regulation as constituted on July 1, 1978, and said members shall serve on the commission until June 30, 1979. Thereafter, the Governor shall appoint the members of the commission as follows: One member whose term shall end June 30, 1981; two members whose terms shall end June 30, 1982; and two members whose terms shall end June 30, 1983. Thereafter,~~ Each member ~~appointed by the Governor~~ shall *be appointed to* serve for a term of 4 years *from the date of appointment. Any vacancy shall be filled for the remainder of the unexpired term.*

(b) The Florida Pari-mutuel Commission shall have the authority ~~only~~ to:

1.~~(a)~~ Hear and approve the dates and changes of dates for racing and the dates within which any track or fronton may be operated as prescribed by chapters 550 and 551, and it shall not delegate that function to any subordinate officer or division of the department.

2.~~(b)~~ Hear all appeals of decisions of the department which relate to the suspension, ~~or~~ revocation, *or denial* of a pari-mutuel wagering license *or permit or the suspension for a period greater than 1 year or revocation or denial of an occupational license.*

3.~~(c)~~ Make recommendations to the director of the Division of Pari-mutuel Wagering regarding new or existing rules for all racing and jai alai operations which relate to the powers granted in this subsection.

4.~~(d)~~ *Issue, jointly with the Division of Pari-mutuel Wagering,* an annual report to the Governor and the Legislature on the racing and jai alai industry in this state. The report shall encompass the preceding fiscal year and shall be submitted by November 15 annually.

5. Hear the requests of permitholders licensed under chapter 550 or chapter 551 for additional operating days and make recommendations to the Legislature as provided in s. 550.012.

6. Exercise such other powers and perform such other duties as may be granted pursuant to chapter 550 or chapter 551.

(c) The commission may meet at the call of its chairman, at the request of a majority of its members, at the request of the division, or at such times as may be prescribed by rule, but shall meet at least twice a year. A majority of the members constitutes a quorum, and the affirmative vote of a majority of a quorum is necessary to take official action.

(d) The commission shall maintain on file the minutes of each meeting and shall make such minutes available to any interested person.

(e) Members shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 2. Subsection (1) of section 550.011, Florida Statutes, is amended to read:

550.011 Fixing dates for racing.—

(1) The Florida Pari-mutuel Commission shall hear and approve the dates for racing in any county where one or more horse tracks or one or more dog tracks are seeking to race and hold ratified permits upon which any track can operate in any county, apportioning the dates to the several tracks in such counties as provided by law. However, where only one licensed dog track is located in a county, that track may operate 105 days during the racing season at the option of the dog track. ~~No horse tracks licensed to engage in the conduct of running races located within 100 air miles of each other shall operate on the same dates, and any track licensed to engage in the conduct of harness races located within 100 air miles of another permittee or licensee authorized to conduct either harness races or running races shall be apportioned not more than 40 days within the legal horseracing season, which may be the same dates awarded to a permittee or licensee conducting running races.~~ The commission shall not delegate this function to any subordinate officer or division of the Department of Business Regulation.

Section 3. Subsection (2) of section 550.012, Florida Statutes, is amended to read:

550.012 Additional operating days.—

(2) In addition to its other powers and duties, the commission may, ~~on an annual basis,~~ hear the request of any permitholder licensed pursuant to this chapter or chapter 551 for up to 105 days of operation in addition to those authorized by law, provided that such requests must be submitted to the commission by October 15 of each year. In considering such requests, the commission shall conduct public hearings. The commission shall submit a report of its findings with recommendations to the Legislature by February 1 of the following year. In determining whether to recommend the granting of such additional operating days, the commission shall consider:

(a) The impact of the requested additional days on the handle, attendance, and income of permitholders within a 50-mile radius of the requesting permitholder;

(b) The similarities and dissimilarities of competing permitholders within a 50-mile radius of the requesting permitholder;

(c) The impact of the requested additional days on state revenues generated by the pari-mutuel industry; and

(d) The impact on the division as it relates to the division's operating budget and manpower resources.

Section 4. Section 550.04, Florida Statutes, is amended to read:

550.04 Racing meetings authorized; restrictions.—Any person desiring to operate a racetrack in this state may, subject to the provisions of this chapter, hold and conduct one or more racing meetings at such track each year. *For purposes of computation of tax on handle as specified in ss. 550.09(3)(d) and 551.056(3) the term "preceding racing season," in counties lying wholly east of the St. Johns River, south of an east-west line from Matanzas Inlet to said river, and north of latitude 28°35′,* shall be deemed to consist of the first 105 evening performances conducted during the preceding calendar year, plus all matinees conducted through the date of the 105th evening performance. ~~Horse racetrack meetings shall be held only from and including the period extending from December 1 of each year to and including April 20 of the year following, which period shall be known as the horseracing season, and the dog racetrack meetings shall be held only during the period extending from and including November 1 of each year to and including May 31 of the year following, which period shall be known as winter dogracing season; provided, however, that summer dog track meetings shall be held only during the period beginning with and including June 1 and up to and including September 30, in counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28°35′; and provided further that both horserace meetings and dog-race meetings shall be limited to the aggregate number of racing days as provided in s. 550.08.~~ No minors except jockey apprentices, exercise boys, and grooms shall be permitted to attend said races or to be employed in any manner by the track except as provided by this chapter. No dogracing shall be permitted on Sunday; however, nothing in this chapter shall be construed to prohibit the use of any dogracing plant or facility for the conducting of "hound dog derbies" or "mutt derbies" from being used on one Sunday during each racing season by any charitable, civic, or nonprofit organization for the purpose of conducting "hound dog derbies" or "mutt derbies" where only dogs other than those usually used in dogracing (greyhounds) are permitted to race and where adults and minors may participate as dog owners or spectators; but during such racing events betting and gambling and the sale or use of alcoholic beverages shall be strictly and absolutely prohibited.

Section 5. Subsection (1) of section 550.08, Florida Statutes, is amended to read:

550.08 Maximum length of race meeting; additional operating days.—

(1) *Except as provided in this chapter,* no license shall be granted to any person or to any racetrack for a meet or meeting in any county to extend longer than an aggregate of 90 racing days for thoroughbred horse racing, 120 days for quarter horse racing, 120 days for harness horse racing, and 105 days for dogracing in any racing season. ~~Nothing in this section shall be construed to expand or otherwise alter the provisions of ss. 550.081 and 550.41.~~

Section 6. Subsection (3) of section 550.082, Florida Statutes, is amended to read:

550.082 Special allocation of periods of operation of certain dogracing tracks; additional days.—

(3) Notwithstanding the provisions of subsection (2), any dogracing permitholder located in any county where there are only two pari-mutuel permits, one of which is a jai alai permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other, shall be entitled to operate up to 105 additional days each year, including up to 54 matinee performances. ~~This provision shall not apply to counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28°35′.~~

Section 7. Section 550.083, Florida Statutes, is amended to read:

550.083 Dogracing; periods of operation generally; exceptions.—

~~(1)~~ Owners of valid outstanding permits for dogracing in this state may hold race meetings at any time they choose during the "racing season" for the aggregate number of racing days fixed and permitted by law and subject to the approval of the Florida Pari-mutuel Commission, except that no racing shall be conducted on Sunday. The words "racing season" as used herein mean that period of time extending from September 5 of each year through September 4 of the following year, commencing with September 5, 1973.

~~(2) The provisions of this act shall not apply to or affect holders of valid permits to conduct greyhound racing or jai alai at greyhound racetracks or jai alai frontons located in Florida in the area between the parallels of 28° N. latitude and 30° N. latitude and lying east of the meridian of 82° W. longitude.~~

Section 8. Subsection (2) and paragraph (b) of subsection (3) of section 550.09, Florida Statutes, are amended to read:

550.09 Payment of daily license fee and taxes.—

(2) ADMISSION TAX.—An admission tax equal to 15 percent of the ~~entrance gate~~ admission charge *for entrance to the permitholder's facil-*

ity and grandstand area, or 10 cents, whichever is greater, is imposed on each person attending a horserace or dograce. The permitholder shall be responsible for the collection of the admission tax. An admission tax shall be imposed on any free passes or complimentary cards issued to guests by permitholders and shall be equal to the tax imposed on the regular and usual ~~entrance gate~~ admission charge *for entrance to the permitholder's facility and grandstand area.* With the consent of the division, a permitholder may issue tax-free passes to its officers, officials, and employees or other persons actually engaged in working at the racetrack, including accredited press representatives such as reporters and editors, and may also issue tax-free passes to other permitholders for the use of their officers and officials. The permitholder shall file with the division a list of all persons to whom tax-free passes are issued.

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races conducted by the permitholder. The tax shall be imposed daily and shall be based on the total contributions to all pari-mutuel pools conducted during the daily performance. In the event that a permitholder is authorized by the Florida Pari-mutuel Commission to conduct, and does conduct, more than one performance daily, the tax shall be imposed on each performance separately. A "performance" is defined as a series of races conducted consecutively under a single admission charge.

(b) *Except as provided in paragraph (c),* the tax on handle for thoroughbred horse racing conducted by a permitholder *from January 8 through March 6* ~~awarded the second period of winter thoroughbred horse racing as defined in s. 550.081(1)~~ shall be 3.3 percent of the handle in excess of $175,000 for each performance per day.

Section 9. Paragraph (b) of subsection (3) of section 550.10, Florida Statutes, is amended to read:

550.10 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(3)

(b) The Division of Pari-mutuel Wagering may deny, suspend, ~~or~~ revoke, *or place conditions or restrictions on* any occupational license when the applicant for or holder thereof has violated the provisions of this chapter, chapter 551, or the rules and regulations of the division governing the conduct of persons connected with the racetracks. In addition, the division may deny any occupational license when the applicant for such license is not of good moral character. If any occupational license expires by division rule while administrative charges are pending against the license, the proceedings against the license shall continue to conclusion as if the license were still in effect. If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to $1,000 for each violation of the rules of the division in addition to or in lieu of a suspension or a revocation provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

Section 10. Paragraphs (a), (i), (j), and (k) of subsection (2) of section 550.16, Florida Statutes, are amended to read:

550.16 Pari-mutuel pool authorized within track enclosure; commissions; capital improvement withholdings; breaks; penalty for purchasing part of a pari-mutuel pool for or through another in specified circumstances.—

(2) The "commission" is the percentage of the contributions to pari-mutuel pools which a permitholder is permitted to withhold from the contributions before making redistribution to the contributors. The permitholder's share of the commission is that portion of the commission which remains after the pari-mutuel tax imposed upon the contributions to the pari-mutuel pool is deducted from the commission and paid by the permitholder. The commission is deducted from all pari-mutuel pools but may be different depending on the type of pari-mutuel pool. For the purpose of this chapter, contributions to pari-mutuel pools involving wagers on a single animal in a single race, such as the win pool, the place pool, or the show pool, shall be referred to as "regular wagering," and contributions to all other types of pari-mutuel pools, including, but not limited to, the daily double, perfecta, quiniela, trifecta, or the Big "Q" pools, shall be referred to as "exotic wagering."

(a)1. Except as provided in paragraphs (i) *and,* (j)~~, and (k)~~, the commission which a permitholder who conducts horseracing under the provisions of this chapter may withhold from contributions to pari-mutuel pools shall not exceed 17.6 percent on regular wagering and shall not exceed 19 percent on exotic wagering, except that up to an additional 0.5 percent of the handle on regular wagering and up to an additional 1 percent of the handle on exotic wagering may be withheld by the permitholder to be used for capital improvements or to reduce capital improvement debt.

2. A harness racing permitholder may also withhold an additional 1 percent of the handle on any or all exotic wagering to be used for capital improvements or for purses.

(i) In addition to the commission authorized by subparagraph (a)1., a permitholder who is authorized to conduct ~~summer~~ thoroughbred horseracing~~, and any thoroughbred horseracing permitholder whose average daily handle was less than $500,000 as of July 1, 1983,~~ shall be entitled to withhold an additional 1 percent of the handle on exotic wagering for use as owners' awards as provided in s. 550.262(6). A permitholder who elects to withhold the additional 1 percent for owners' awards shall be entitled to withhold up to an additional 2 percent of the handle on any or all exotic wagering for use as additional overnight purses.

~~(j) In addition to the commission authorized by subparagraph (a)1., each winter thoroughbred permitholder assigned racing dates pursuant to s. 550.081 shall be entitled to withhold up to an additional 2 percent of the handle on exotic wagering for use as purses or as owners' awards as provided in s. 550.262(6), or a combination of either, provided no more than 1 percent is utilized for purses.~~

(j)~~(k)~~ In addition to the commission authorized by subparagraph (a)1., a harness racing permitholder or quarter horse permitholder shall be entitled to withhold up to an additional 3 percent of the handle on any or all exotic wagering for use as additional overnight purses.

Section 11. Paragraph (a) of subsection (6) of section 550.262, Florida Statutes, is amended to read:

550.262 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(6)(a) The additional takeout authorized for owners' awards pursuant to s. 550.16(2)(i) ~~and (j)~~ shall be used for the payment of awards to owners of registered Florida-bred horses placing first in a claiming race of not less than $25,000, an allowance race, a maiden special race, or a stakes race in which the announced purse, exclusive of entry and starting fees and added moneys, does not exceed $50,000. The $25,000 minimum on a claiming race is not applicable to a race conducted by a permitholder whose average daily handle was less than $500,000 as of July 1, 1983.

Section 12. Section 550.29, Florida Statutes, is amended to read:

550.29 Reallocation of racing dates.—The Florida Pari-mutuel Commission shall have the right to reallocate or reassign, to any other licensed horseracing track, any racing dates previously allocated or assigned to a licensed horseracing track, when said racing dates have been vacated, abandoned, or will not be used, for any reason whatsoever~~, provided the aggregate total number of horseracing days permitted hereunder shall not exceed 100 days for any one horseracing licensee~~.

Section 13. Paragraph (b) of subsection (7) of section 550.33, Florida Statutes, is amended to read:

550.33 Quarter horse racing; substitutions.—

(7)

(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track shall not substitute thoroughbred races under this section while a thoroughbred horserace meet is in progress within that 50 miles; provided, however, any permittee operating within

an area of 125 air miles of a licensed thoroughbred track shall not substitute live thoroughbred races under this section while a thoroughbred permittee *who pays taxes under s. 550.09(3)(c),* is conducting a thoroughbred meet ~~pursuant to both s. 550.04 and s. 550.08~~ within that 125 miles. These mileage restrictions do not apply to any permittee which holds a nonwagering permit issued pursuant to s. 550.50. No races comprised of thoroughbred horses under this section registered with the Jockey Club shall be permitted during the period beginning September 1 and ending on January 5 of each year in any county where there is one or more licensed dog tracks conducting a race meet. Nothing contained herein shall be interpreted in any manner to affect the competitive award of matinee performances to jai alai frontons or dog tracks in opposition to races comprised of thoroughbred horses registered with the Jockey Club under this section.

Section 14. Subsection (1) of section 550.35, Florida Statutes, is amended to read:

550.35 Transmission of racing and jai alai information.—

(1)~~(a) Except as provided in subsections (2)-(8), inclusive, it is unlawful for any person to transmit or communicate to another or receive or secure by any means whatsoever the results, changing odds, track conditions, jockey changes, or any other information relative to any horserace, dograce, or jai alai contest from any racetrack or fronton in this state, between the period of time beginning 1 hour prior to the first race or game of any day and ending 30 minutes after the posting of the official results of each race or game as to that particular race or game, except that the foregoing limitations do not apply to the results of the last race or last game of each day's meet.~~

(a)~~(b)~~ It is unlawful for any person to transmit by any means whatsoever racing information to any person, or to relay the same to any person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such illegal gambling.

(b)~~(c)~~ *Paragraph* ~~Paragraphs~~ (a) ~~and (b)~~ shall be deemed an exercise of the police power of the state for the protection of the public welfare, health, peace, safety, and morals of the people of the state and all of the provisions herein shall be liberally construed for the accomplishment of this purpose.

(c)~~(d)~~ A person who violates the provisions of paragraph (a) ~~or paragraph (b)~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Subsection (9) of section 550.355, Florida Statutes, is amended to read:

550.355 Simulcasting facility; licensing, operating, and wagering provisions.—

(9)(a) Any holder of a thoroughbred horse racing permit in this state may contract with the licensee holding a simulcasting facility license under this section to simulcast thoroughbred horse races at the location authorized in the simulcasting facility license.

(b) A licensee under this section, or a thoroughbred horse racing permitholder with respect to transmissions to a facility licensed under this section, is not subject to the provisions of ss. 550.35~~(1)(a),~~ (2)-(8), and 550.262.

Section 16. Section 550.52, Florida Statutes, is created to read:

550.52 Florida thoroughbred racing; certain permits; operating days.—

(1) Each thoroughbred permitholder under whose permit thoroughbred racing was conducted in this state at any time between January 1, 1987, and January 1, 1988, shall annually, effective with the application period commencing December 15, 1988, be entitled to apply for and annually, commencing February 15, 1989, receive thoroughbred racing days and dates as set forth in this section. As regards such permitholders the annual thoroughbred racing season shall be from June 1 of any year through May 31 of the following year and shall be known as the "Florida Thoroughbred Racing Season."

(2) Each permitholder referred to in subsection (1) shall annually, during the period commencing on December 15 of each year and ending on January 4 of the following year, beginning December 15, 1988, file in writing with the Division of Pari-mutuel Wagering its application to conduct one or more thoroughbred racing meetings during the Thoroughbred Racing Season commencing on the following June 1st. Each application shall specify the number and dates of all performances which the permitholder intends to conduct during that Thoroughbred Racing Season. On or before February 15 of each year, the division shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. Up to March 31 of each year each permitholder may request, and shall be granted, changes in its authorized performances, but thereafter, as a condition precedent to the validity of its license and its right to retain its permit, each permitholder shall operate the full number of days authorized on each of the dates set forth in its license.

(3) Each thoroughbred permit referred to in subsection (1), including, but not limited to, any permit originally issued as a summer thoroughbred horse racing permit, is hereby validated and shall continue in full force and effect.

(4) A permitholder conducting thoroughbred racing that pays taxes under s. 550.09(3)(c) shall be limited to a total of 90 racing days which must be operated between December 1 of each year to May 31 of the following year.

(5) A thoroughbred racing permitholder may not begin any race later than 7 p.m.

(6) No thoroughbred permitholder referred to in subsection (1) shall be entitled to the tax credits referred to in s. 550.2635(2), unless such permitholder is required to close a bona fide meet consisting in part of no fewer than 10 performances in the 15 days immediately preceding and 10 performances in the 15 days immediately following the Breeders' Cup Meet conducted within 35 miles of its facility.

Section 17. Subsection (2) of section 551.06, Florida Statutes, is amended to read:

551.06 Daily license fee; admission tax; taxes on handle and breaks; surtax.—

(2) An admission tax equal to 15 percent of the ~~entrance gate~~ admission charge *for entrance to the permitholder's facility and grandstand area* or 10 cents, whichever is greater, shall be imposed on each person attending a jai alai performance. The permitholder shall be responsible for the collection of the admission tax. An admission tax shall be imposed on any free passes or complimentary cards issued to guests by permitholders and shall be equal to the tax imposed on the regular and usual ~~entrance gate~~ admission charge *for entrance to the permitholder's facility and grandstand area.* With the consent of the division, a permitholder may issue tax-free passes to its officers, officials, and employees or other persons actually engaged in working at the fronton, including accredited press representatives such as reporters and editors, and may also issue tax-free passes to other permitholders for the use of their officers and officials. A list of all such persons to whom tax-free passes are issued shall be filed with the division.

Section 18. Section 551.152, Florida Statutes, is amended to read:

551.152 Additional jai alai days; restrictions.—Any jai alai permitholder located in any county where there are only two pari-mutuel permits, one of which is a dogracing permit, in existence for the conduct of pari-mutuel wagering within a 35-mile radius of each other shall be entitled to operate up to 105 additional days each year, including up to 54 matinee performances. ~~This provision shall not apply to counties lying wholly east of the St. Johns River, south of an east-west line from the Matanzas Inlet to said river, and north of latitude 28°35'.~~

Section 19. The racing dates allocated for the 1988-1989 winter thoroughbred racing season pursuant to section 550.081, Florida Statutes, and for the summer thoroughbred racing season authorized by section 550.43, Florida Statutes, for which licenses have been issued shall not be affected by the provisions of this act and shall be run as previously allocated by the Florida Pari-mutuel Commission.

Section 20. Those pari-mutuel permitholders who requested additional operating days pursuant to section 550.012, Florida Statutes, may operate such days as recommended by the Florida Pari-mutuel Commission in its January 28, 1988, report to the Legislature, as supplemented by the Florida Pari-mutuel Commission's findings of February 16, 1988, as amended, and as more specifically supported by the minutes of the Florida Pari-mutuel Commission meeting on January 20, 1988. Such additional operating days shall be annually awarded to such permitholders by the Florida Pari-mutuel Commission.

Section 21. (1) Subsections (1), (2), (3), (4), and (6) of section 550.081 and sections 550.40, 550.41, 550.42, 550.43, 550.45, 550.46, and 550.4904, Florida Statutes, are hereby repealed.

(2) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable, except that if any provision of section 550.52, Florida Statutes, as created by this act, or the application thereof to any person or circumstance is held invalid, the provisions of subsection (1) of this section shall also be held to be invalid and to this end the provisions of subsection (1) are declared to be not severable from the provisions of section 550.52, Florida Statutes, as created by this act, and the sections repealed by subsection (1), together with all standards, criteria, and decisions of any court with respect thereto, shall not be repealed.

Section 22. Section 550.095, Florida Statutes, is hereby repealed.

Section 23. Notwithstanding the provisions of chapter 87-38, Laws of Florida, subsection (3) of section 550.082, subsection (3) of section 550.0831, and section 551.152, Florida Statutes, shall not stand repealed on July 1, 1989, as scheduled by such law, but subsection (3) of section 550.082 and section 551.152, Florida Statutes, are hereby revived and readopted.

Section 24. Notwithstanding the provisions of chapter 86-286, Laws of Florida, subsection (4) of section 20.16, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by such act, but such subsection, as amended, is hereby revived and readopted.

Section 25. Subsection (4) of section 20.16, Florida Statutes, is repealed October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 26. This act shall take effect upon becoming a law.

Senator Jennings moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 19, line 15, after "550.082" insert: , subsection (3) of section 550.0831,

Amendment 1 as amended was adopted.

Senator Jennings moved the following amendment which was adopted:

Amendment 2—In title, on page 1, lines 1-31, and on page 2, lines 1-22, strike all of said lines and insert: A bill to be entitled An act relating to pari-mutuel wagering; amending s. 20.16, F.S.; providing for appointment of the Florida Pari-mutuel Commission members; providing for powers and duties of the commission; providing for commission meetings; requiring minutes of commission meetings; providing for per diem and travel expenses for commission members; amending s. 550.011, F.S.; deleting certain mileage restrictions; amending s. 550.012, F.S.; deleting the requirement that the commission hear requests for additional operating days on an annual basis; amending s. 550.04, F.S.; deleting the restrictions on horseracing seasons; eliminating the restrictions on summer and winter dogracing seasons for certain counties; removing the restriction on the aggregate number of racing days; amending s. 550.08, F.S.; removing operating days restriction for certain permitholders; amending s. 550.082, F.S.; removing the prohibition on additional operating days for certain permitholders; amending s. 550.083, F.S.; removing certain restrictions on operating day for certain permitholders; amending s. 550.09, F.S.; providing for the tax on handle for thoroughbred permitholders during the period January 1 through March 6; clarifying the provisions relating to the admissions tax; amending s. 550.10, F.S.; allowing the Division of Pari-mutuel Wagering to place certain restrictions and conditions on holders of occupational licenses; amending s. 550.16, F.S., relating to the withholding of certain commissions from pari-mutuel pools for purses and awards; amending s. 550.262, F.S.; relating to a cross-reference to commissions withheld for purses and awards; amending s. 550.29, F.S.; deleting the restriction on the number of operating days for certain permitholders; amending s. 550.33; specifying that no thoroughbred races may be substituted on a quarterhorse permit under certain circumstances; amending s. 550.35, F.S.; deleting the prohibition against certain transmission of racing and jai alai information; amending s. 550.355, F.S.; correcting certain cross-references relating to the transmission of certain racing information; creating s. 550.52, F.S.; deregulating thoroughbred horseracing regarding number of days and operating periods; limiting the number of racing days that a thoroughbred racing permitholder can run during a specific period; prescribing a limit to the time of day at which a thoroughbred race may begin; specifying the conditions under which certain tax credits may be taken; amending s. 551.06, F.S.; clarifying the provisions relating to the admissions tax; amending s. 551.52, F.S.; deleting the prohibition against additional operating days for certain permitholders; providing that certain racing days previously allocated by the Florida Pari-mutuel Commission are not affected by this act; allowing certain pari-mutuel permitholders to operate certain additional days; repealing ss. 550.081(1), (2), (3), (4), (6), 550.40, 550.41, 550.42, 550.43, 550.46, and 550.4904, relating to summer thoroughbred racing seasons and winter thoroughbred racing seasons; providing for severability; providing that certain sections are not severable; repealing s. 550.095, F.S., relating to taxes on additional days; reviving and readopting ss. 550.082(3), 550.0831(3), s. 551.152, F.S., notwithstanding repeal scheduled pursuant to ch. 87-38, Laws of Florida; reviving and readopting provisions relating to the commission, notwithstanding repeal scheduled pursuant to the Sundown Act, and providing for future review and repeal of said provisions; providing an effective date.

On motion by Senator Jennings, by two-thirds vote CS for CS for HB 777 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Beard	Hair	Margolis	Thomas
Brown	Hill	McPherson	Thurman
Childers, D.	Hollingsworth	Meek	Weinstein
Childers, W. D.	Jenne	Myers	Weinstock
Dudley	Jennings	Plummer	Woodson
Girardeau	Johnson	Ros-Lehtinen	
Gordon	Kiser	Scott	
Grant	Langley	Stuart	

Nays—None

Vote after roll call:

Yea—Crawford

CS for SB 786—A bill to be entitled An act relating to horseracing; amending s. 550.16, F.S.; providing that certain permitholders may withhold an additional percentage of the handle of certain races for capital improvements or to reduce capital improvement debts under certain circumstances; providing for an audit; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 2, line 19, through page 3, line 22, strike all of said lines and insert:

(l)1. Each permitholder which has expended any moneys for capital improvements in excess of the amount permitted to be withheld under this section, or any permitholder who has capital improvement projects which have been approved which are in excess of any amount authorized to be withheld under this section, shall be permitted to withhold an additional 2 percent on exotic wagering to reimburse such permitholder or to fund the capital improvements, as the case may be; provided, however, that as to horsetracks, the withholding permitted by this subsection shall be in addition to the amount withheld under paragraphs (i), (j), and (k) if prior to the effective date of this paragraph any permitholder elected to withhold such additional amount for purses and owners' awards.

2. Prior to any permitholder identified in subparagraph 1. exercising such right, such permitholder shall submit all of its books and records to the division, which shall fully audit the books and records in order to determine:

a. The total amount spent for capital improvements from May 1, 1980, to and including the date of the audit;

b. The total amount withheld for capital improvements under this section;

c. The total income of the permitholder spent on capital improvements to the permitholder's facility; and

d. The total investments of permitholder income in interests other than the permitholder's facility.

Such audit shall be completed within 60 days from the date the permitholder furnishes to the division all materials required in subparagraph 2.

3. The cost of any audit required pursuant to the provisions of this paragraph shall be borne by the permitholder and may not be paid from capital improvement withholdings.

4. Nothing in this paragraph shall impede the division's authority to conduct, at its own expense, audits of the capital improvement withholdings and expenditures of any permitholder.

5. This paragraph shall expire on July 1, 1993.

Amendment 2—On page 1, lines 14 and 15, strike "paragraphs (l) and (m) are" and insert: paragraph (l) is

Amendment 3—On page 1, line 8, after the semicolon (;) insert: providing for repeal;

On motion by Senator Gordon, by two-thirds vote CS for SB 786 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Barron	Grant	Margolis	Thomas
Beard	Hair	McPherson	Thurman
Brown	Hill	Meek	Weinstein
Childers, W. D.	Hollingsworth	Myers	Weinstock
Deratany	Jenne	Plummer	Woodson
Dudley	Jennings	Ros-Lehtinen	
Girardeau	Johnson	Scott	
Gordon	Malchon	Stuart	

Nays—3

Childers, D.	Langley	Peterson

Vote after roll call:

Yea—Crawford

CS for SB 983—A bill to be entitled An act relating to alcoholic beverages; creating ss. 562.52-562.526, F.S.; providing a short title, the "Florida Responsible Vendor Act"; providing intent; providing a definition; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation to establish a responsible vendors program; providing for certification of participating vendors; providing qualifications; providing for suspension and revocation of certification; providing exemptions from license suspension and revocation for such vendors; providing mitigation for Beverage Law violations; imposing a surcharge on alcoholic beverage license fees; providing for disposition and use of surcharge funds; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 4, lines 18-22, strike "subparagraph (f)" and redesignate remaining paragraphs on pages 4 and 5.

Amendment 2—On page 2, line 15, after "establish" insert: or cause to be established

Amendment 3—On page 4, line 31, after "selling" insert: , giving or serving

Amendment 4—On page 5, line 19, strike "pursuant to s. 561.29" and insert: for the illegal sale or service of alcoholic beverage to a person who is not of lawful drinking age or engaging in the illegal sale, use of, or trafficking in controlled substances.

Amendment 5—On page 5, lines 25 and 26, strike "any violation of the Beverage Law." and insert: for the illegal sale or service of alcoholic beverage to a person who is not of lawful drinking age or engaging in the illegal sale, use of, or trafficking in controlled substances.

Amendment 6—On page 5, line 28, strike "issued" and insert: at time of renewal or issuance

Amendment 7—On page 6, line 10, strike "October 1, 1988" and insert: January 1, 1989 except s. 562.562 which shall take effect July 1, 1988

Senators Langley and D. Childers offered the following amendment which was moved by Senator Langley and adopted:

Amendment 8—On page 5, line 20, after "employees," insert: after the employee has completed the training prescribed herein,

On motion by Senator McPherson, CS for SB 983 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Beard	Grant	Langley	Ros-Lehtinen
Brown	Hair	Malchon	Scott
Childers, D.	Hill	Margolis	Stuart
Childers, W. D.	Hollingsworth	McPherson	Thomas
Deratany	Jenne	Meek	Thurman
Dudley	Jennings	Myers	Weinstein
Girardeau	Johnson	Peterson	Weinstock
Gordon	Kiser	Plummer	Woodson

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Kiser, by two-thirds vote HB 1671 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Kiser, by two-thirds vote—

HB 1671—A bill to be entitled An act relating to pollution control; amending s. 206.9925, F.S.; revising the definitions of "petroleum product" and "pollutants" for purposes of excise taxes on fuel and other pollutants and requirements related thereto; amending s. 206.9935, F.S.; revising the rates of the tax for water quality and the conditions under which said tax is imposed; authorizing a credit for certain taxes paid; repealing s. 206.9941(4), F.S., which exempts pesticides, ammonia, chlorine, and derivatives thereof from the tax for coastal protection and the tax for water quality under certain conditions; amending s. 376.307, F.S.; providing limitations on the expenditure of funds from the Water Quality Assurance Trust Fund for water supply systems or filters for contaminated potable water wells; amending s. 373.309, F.S., relating to the authority of the Department of Environmental Regulation to adopt rules regulating water wells; revising provisions authorizing delegation of its authority to other agencies or political subdivisions; providing duties with respect to prevention of potable water well contamination and remediation of contamination; providing for delineation of areas of groundwater contamination; providing for testing and standards; providing for permitting and for establishment of fees therefor; creating s. 403.7223, F.S.; providing for the establishment of a waste reduction and elimination assistance program; amending s. 403.7264, F.S.; authorizing the department and local governments which have established local or regional hazardous waste collection centers to enter into contracts for the local governments to administer and supervise amnesty days; providing a schedule for amnesty days for purging small quantities of hazardous wastes; providing a limitation on amounts to be accepted at no cost; providing duties of local governments and regional planning councils; amending s. 403.7265, F.S., relating to the local hazardous waste collection program; revising requirements for a plan to be formulated by the department for collecting small quantities of hazardous waste; directing the department to develop a statewide local hazardous waste management plan; requiring establishment of a grant program for local governments; revising grant amounts and requirements with respect thereto; creating the Water Quality Assurance Trust Fund Study Commission; providing for membership and duties of the commission; assigning the commission to the Joint Legislative Management Committee for administrative purposes; amending s. 403.165, F.S., modifying source and expenditure of funds in the Pollution Recovery Fund; amending s. 403.087, F.S., revising and expanding the schedule of fees for environmental permits; providing restrictions; authorizing single applications and single fees for certain multiple air pollution sources; requiring rules to establish maximum fees to be paid by any one owner; amending s. 403.311, F.S., increasing the application fee for a weather modification license; amending s. 403.722, F.S., deleting the maximum fee for a hazardous waste facility permit; directing the Department of Environmental Regulation to make rules; amending s. 20.261, F.S.; abolishing divisions of the department and creating new divisions; amending s. 403.805, F.S.; expanding rulemaking authority of the secretary of the department; modifying provisions relating to delegation of

authority assigned to the department; amending ss. 403.0876 and 403.809, F.S.; providing for department delegation of certain functions formerly assigned to the Division of Environmental Permitting; repealing ss. 403.806, 403.807, 403.808, and 403.8081, F.S., relating to powers and duties of the Divisions of Administrative Services, Environmental Permitting, Environmental Programs, and Environmental Operations; amending s. 403.161, F.S.; providing that failure to notify the Department of Environmental Regulation within one day of discovery the release of certain contaminants is prohibited and is a violation of chapter 403, F.S.; providing appropriations and authorizing positions; redesignating s. 203.10, F.S., as s. 403.7215, F.S.; providing an effective date.

—a companion measure, was substituted for CS for SB 749 and by two-thirds vote read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 31, between lines 8 and 9, insert:

Section 25. The sum of $1,364,314 is appropriated to the Department of Environmental Regulation from the Permit Fee Trust Fund for the following positions: 1 Professional Engineer Administrator, 1 Environmental Supervisor II, 1 Internal Auditor, 1 Professional Engineer III, 4 Professional Engineer II, 5 Engineer III, 3 Engineer I, 1 Environmental Specialist III, 4 Environmental Specialist II, 4 Secretary Specialist, 6 Senior Clerk.

Section 26. There is hereby appropriated the sum of $500,000 from the Coastal Protection Trust Fund for transfer to the Marine Biological Research Trust Fund, of which $450,000 is to be used in funding research under the fisheries independent monitoring program and $50,000 is to be used in funding research relating to the managment of baitfish. The appropriation of $500,000 shall be reimbursed to the Coastal Protection Trust Fund from the Marine Biological Research Trust Fund within 18 months following passage by the Legislature of a state recreational saltwater fishing license.

(Renumber subsequent sections.)

Senators Kiser, W. D. Childers and Barron offered the following amendment which was moved by Senator Kiser:

Amendment 2—On page 30, between lines 16 and 17, insert:

Section 22. Section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(31) Adopt rules necessary to obtain approval from the U.S. Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under Section 318, 402, and 405 of the Federal Clean Water Act, Pub. L. 92-500, as amended. This authority shall be implemented consistent with the provisions of Part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the U.S. Environmental Protection Agency if approved by the Governor and Cabinet in accordance with the procedures of s. 403.804(2).

Section 23. Section 403.0885, Florida Statutes, is created to read:

403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) program:

(1) The Legislature finds and declares that it is in the public interest to promote effective and efficient regulation of the discharge of pollutants into waters of the state and eliminate duplication of permitting programs by the U.S. Environmental Protection Agency under Section 402 of the Clean Water Act, Pub. L. 92-500, as amended, 33 U.S.C. s. 1251 et seq., and the department under this chapter. It is further found that state implementation of the federal NPDES program, with sufficient time for legislative revision prior to the implementation of the state NPDES permit program by the department, would promote the orderly establishment of a state administered NPDES program. It is the specific intent of the Legislature that permit fees charged by the department for processing of federally approved NPDES permits be adequate to cover the entire costs to the department of program management, reviewing and acting upon any permit application and to cover the cost of surveillance and other field services of any permits issued pursuant to this section. Further, it is legislative intent, upon a finding by the department determining such additional costs for administering an NPDES program, to set permit fees by legislative act during the 1989 regular legislative session.

(2) To this end, the department shall apply no later than January 1, 1989, to the U.S. Environmental Protection Agency, pursuant to Section 402 of the Federal Clean Water Act, Pub. L. 92-500, as amended, for approval to operate a NPDES program. The department shall not process applications or issue or deny NPDES permits under this program until after January 1, 1990.

(3) The department is empowered to establish a state NPDES program in accordance with Section 402 of the Clean Water Act, as amended. The department shall have the power and authority to operate the NPDES permitting program in accordance with Section 402(b) of the Clean Water Act, as amended, and 40 C.F.R. 123. The state NPDES permit shall be the sole permit issued by the state under this chapter regulating the discharge of pollutants or wastes into surface waters within the state for discharges covered by the EPA approved state NPDES program. This legislative grant of authority is intended to be sufficient to enable the department to qualify for delegation of the Federal NPDES program to the state and operate such program in accordance with federal law.

(4) An application for an NPDES permit and other approvals from the state relating to the permitted activity shall be granted or denied by the department within the time allowed for permit review under 40 C.F.R. 123, subpart C. Other than for stormwater discharge permitting, the decision on issuance or denial of such permit may not be delegated to another agency or governmental authority. The department is specifically exempted from the time limitations provided in ss. 120.60 and 403.0876. However, if the department fails to render a permitting decision within the time allowed by 40 C.F.R. 123, subpart C, or a Memorandum of Agreement executed by the department and the U.S. Environmental Protection Agency, whichever is shorter, the applicant may apply for an order from the circuit court requiring the department to render a decision within a specified time.

(Renumber subsequent sections.)

Senator Kiser moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 4, line 6, insert:

(5) The department shall respond, in writing, to any written comments on a pending application for a state NPDES permit which the department receives from the Executive Director, or his designee, of the Game and Fresh Water Fish Commission or the Department of Natural Resources, on matters within the commenting agency's jurisdiction. The department's response shall not constitute agency action for purposes of s. 120.57 or other provisions of chapter 120.

Amendment 2 as amended was adopted.

Senator Kiser moved the following amendments which were adopted:

Amendment 3—On page 30, between lines 16 and 17, insert a new section 22:

Section 22. Subsection (2) of section 403.412 is amended to read as follows:

403.412 Environmental Protection Act.—

(2)(a) The Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against:

1. Any governmental agency or authority charged by law with the duty of enforcing laws, rules, and regulations for the protection of the air, water, and other natural resources of the state to compel such governmental authority to enforce such laws, rules, and regulations.

2. Any person, natural or corporate, governmental agency or authority to enjoin such persons, agencies, or authorities from violating any laws, rules, or regulations for the protection of the air, water, and other natural resources of the state.

(b) In any suit under paragraph (a), the Department of Legal Affairs may intervene to represent the interests of the state.

(c) As a condition precedent to the institution of an action pursuant to paragraph (a), the complaining party shall first file with the governmental agencies or authorities charged by law with the duty of regulating or prohibiting the act or conduct complained of a verified complaint setting forth the facts upon which the complaint is based and the manner in which the complaining party is affected. Upon receipt of a complaint, the governmental agency or authority shall forthwith transmit, by registered or certified mail, a copy of such complaint to those parties charged with violating the laws, rules, and regulations for the protection of the air, water and other natural resources of the state. The agency receiving such complaint shall have 30 days after the receipt thereof within which to take appropriate action. If such action is not taken within the time prescribed, the complaining party may institute the judicial proceedings authorized in paragraph (a). However, failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the conduct or activity complained of.

(d) In any action instituted pursuant to paragraph (a), the court, in the interest of justice, may add as party defendant any governmental agency or authority charged with the duty of enforcing the applicable laws, rules, and regulations for the protection of the air, water and other natural resources of the state.

(e) No action pursuant to this section may be maintained if the person (natural or corporate) or governmental agency or authority charged with pollution, impairment, or destruction of the air, water, or other natural resources of the state is acting or conducting operations pursuant to currently valid permit or certificate covering such operations, issued by the appropriate governmental authorities or agencies, and is complying with the requirements of said permits or certificates.

(f) In any action instituted pursuant to this section, *other than an action involving a state NPDES permit authorized under section 403.0885,* the prevailing party or parties shall be entitled to costs and attorney fees. *Any award of attorney's fees in an action involving such a state NPDES permit shall be discretionary with the court.* If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any cost or judgment which might be rendered against him in an action brought under this section, the court may order the plaintiff to post a good and sufficient surety bond or cash.

Amendment 4—On page 30, between lines 16 and 17, insert a new section 22:

Section 22. The Department of Natural Resources shall perform a study of the water quality of the St. Marks River as impacted by the spraying of chemicals to control floating aquatic weeds. No further chemical spraying shall be permitted until the study is completed, or January 1, 1993, whichever shall first occur. The study shall include the effectiveness of any proposed control program as well as the impact of spraying on fish and wildlife.

Senator Kiser moved the following amendment which failed:

Amendment 5—On page 30, between lines 16 and 17, insert a new section 22:

Section 22. Beginning March 1, 1988, the department may not delegate dredge and fill permitting to any water management district. This prohibition shall expire October 1, 1989.

Senator Kiser moved the following amendments which were adopted:

Amendment 6—On page 30, strike all of lines 11-16 and insert:

(d) For any person who owns or operates a facility to fail to report to the representative of the department, as established by department rule, within one working day of discovery of a release of hazardous substances from the facility if the owner or operator is required to report the release to the United States Environmental Protection Agency in accordance with 42 U.S.C. Section 9603.

Amendment 7—On page 13, line 21, after "subsections" insert: (1),

Amendment 8—On page 29, line 20, strike *"8, 9, and 10"* and insert: *17, 18, and 19*

Senator Langley moved the following amendment which was adopted:

Amendment 9—On page 30, between lines 16 and 17, insert:

Section 10. Part III of chapter 369, Florida Statutes, consisting of sections 369.301, 369.303, 369.305, and 369.307, is created to read:

PART III
WEKIVA RIVER PROTECTION

369.301 Short title.—This part may be cited as the "Wekiva River Protection Act."

369.303 Definitions.—As used in this part:

(1) "Council" means the East Central Florida Regional Planning Council.

(2) "Counties" means Orange, Seminole, and Lake Counties.

(3) "Department" means the Department of Community Affairs.

(4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.

(5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(22), and any of the types of regulations described in s. 163.3202.

(6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.

(7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.

(8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

(9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Longwood Markham Road.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.—

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and Chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area, to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;

2. Wetlands associated with the Wekiva River System;

3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;

4. Habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and

5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.

2. Restrictions on the clearing of native vegetation within the 100-year flood plain.

3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.

4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.

5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.

6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.

7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural density and character.

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property adjacent to the Wekiva River System be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy, established in paragraph (c), of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d), and shall also include restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and Chapter 9J-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county solely within protection zones established pursuant to s. 373.415, shall be sent to the department within 10 days after its adoption or issuance by the local governing body, but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1) through (4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) Prior to March 1, 1990, the department shall prepare and deliver to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate, a report recommending whether the reviews and certifications of amendments to land development regulations and development permits required under subsection (5) should be continued after the due dates described therein.

(7) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area, for compliance with the provisions of subsection (1), in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in Chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its comprehensive regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Natural Resources is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area, provided that such projects have been deemed qualified under statutory and rule criteria for purchase, and have been placed on the priority list for acquisition by the selection committee created in s. 259.035.

Section 11. Section 373.415, Florida Statutes, is created to read:

373.415 Protection zones; duties of the St. Johns River Water Management District.—

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303(10). Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1991, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the Wekiva River System and minimum water levels for the groundwater in the aquifer underlying the Wekiva Basin as depicted on the map entitled "Wekiva Basin, 40C-41" which is on file at the offices of the St. Johns River Water Management District.

(4) Nothing in this section shall affect the authority of the water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority of the water management districts created by this chapter to decline to issue permits for development which have not been determined to be consistent with local comprehensive plans or in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District with respect to a permit or permits issued pursuant to this section.

Senators Kiser, W. D. Childers and Barron offered the following amendments which were moved by Senator Kiser and adopted:

Amendment 10—In title, on page 3, line 31, after the semicolon (;) insert: amending s. 403.061 and creating s. 403.0885 to authorize the implementation of a federally approved state National Pollutant Discharge Elimination System program;

Amendment 11—In title, on page 3, line 31, after the semicolon (;) insert: amending s. 403.412;

Senator Langley moved the following amendment which was adopted:

Amendment 12—In title, on page 3, line 31, after "registrations;" insert: creating part III of chapter 369, F.S., creating the Wekiva River Protection Act; providing definitions; providing for review of local comprehensive plans, land development regulations, and certain development permits, and amendments thereto, applicable to the Wekiva River Protection Area; providing criteria; providing procedures; providing duties of Orange, Lake, and Seminole Counties, the Department of Community Affairs, and the Land and Water Adjudicatory Commission; requiring a report; authorizing adoption of rules; providing procedure for development permits and development-of-regional-impact review within the Wekiva River Protection Area and establishing procedures for land acquisition under the Conservation and Recreation Lands program; creating s. 373.415, F.S., directing the St. Johns River Water Management District to establish protection zones to prevent certain harm to the Wekiva River System; requiring certain consistency with local comprehensive plans and land development regulations prior to issuance of certain permits; directing the district to develop a groundwater basin resource availability inventory; reserving certain authority to the water management districts, counties, and municipalities; providing applicability of certain provisions for judicial review;

Senator Kiser moved the following amendment which was adopted:

Amendment 13—In title, on page 3, line 31, after the semicolon (;) insert: providing for a water quality study of the St. Marks River;

On motion by Senator Kiser, by two-thirds vote HB 1671 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Hair	Malchon	Stuart
Childers, D.	Hill	Margolis	Thomas
Childers, W. D.	Hollingsworth	Meek	Weinstein
Deratany	Jenne	Myers	Weinstock
Dudley	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

The Senate resumed consideration of—

SB 920—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; clarifying the requirements for teacher certification; providing for endorsements of teaching certificates; clarifying certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for secondary school teachers; providing for the creation of regional centers; providing a procedure for funding; authorizing the charging of fees; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, relating to alternate certification programs for secondary school teachers; providing multiple effective dates.

—as amended.

Senator Meek moved the following amendment which was adopted:

Amendment 7—On page 15, between lines 10 and 11, insert:

Section 5. Subsections (3), (4), and (5) of section 231.546, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section to read:

231.546 Education Standards Commission; powers and duties.—

(3) The commission shall conduct a study on the professionalization of teaching. This study shall include, but not be limited to, a definition of professionalism in teaching that is based on research, a review of the current efforts in Florida and the nation to improve the professional status of teachers, and recommendations for moving teaching toward full professional standing in the state. Additionally, the commission shall review the procedures adopted by each school board to minimize the performance of noninstructional duties by instructional personnel. The commission shall report its findings and recommendations to the Legislature and the State Board of Education with an interim report due by February 1, 1989, and a final report by February 1, 1990.

(Renumber subsequent section.)

Further consideration of **SB 920** as amended was deferred.

Consideration of **CS for CS for SB's 1149 and 156** was deferred.

On motions by Senator Ros-Lehtinen, by two-thirds vote HJR 1608 was withdrawn from the Committees on Judiciary-Civil; Appropriations; and Rules and Calendar.

On motion by Senator Ros-Lehtinen—

HJR 1608—A joint resolution proposing an amendment to Section 1 of Article V of the State Constitution relating to courts.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 1 of Article V of the State Constitution set forth below is hereby agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1988:

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices. *The legislature may establish by general law a civil traffic hearing officer system for the purpose of hearing civil traffic infractions.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

CIVIL TRAFFIC HEARING OFFICERS

Authorizes the Legislature to establish a civil traffic hearing officer system to hear civil traffic offenses.

—a companion measure, was substituted for SJR 728 and read the second time in full. On motion by Senator Ros-Lehtinen, by two-thirds vote HJR 1608 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—28

Barron	Girardeau	Johnson	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Malchon	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Hill	Meek	Weinstein
Deratany	Hollingsworth	Myers	Weinstock
Dudley	Jennings	Plummer	Woodson

Nays—1

Jenne

Vote after roll call:

Yea—Kiser, Peterson, Stuart

Yea to Nay—Plummer, Weinstein

On motions by Senator Myers, by two-thirds vote—

CS for CS for HB 1605—A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1988; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.4085, F.S.; providing for bond issuance; creating s. 189.409, F.S.; providing for a determination of financial emergency; providing for preparation of the official list of special districts; providing definitions; creating s. 189.412, F.S.; creating the Office of Special District Information and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds use by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to the local comprehensive plan; renumbering s. 189.004, F.S.; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; renumbering s. 125.901, F.S., relating to county juvenile welfare boards; renumbering s. 154.331, F.S., relating to county indigent health care districts; transferring chapter 190, F.S., relating to community development districts; transferring chapter 298, F.S., relating to water control districts; transferring chapter 374, F.S., relating to canal authorities, navigation districts, and waterways development; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for the delivery of ad valorem tax and non-ad valorem assessment rolls; amending s. 197.363, F.S.; revising language with respect to the method of collection of special assessments, service charges, and non-ad valorem assessments; creating s. 197.3631, F.S.; providing general provisions with respect to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Office of Special District Information; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.31, F.S.; providing definitions; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district; deleting a report to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; providing for the application of the act with respect to certain ports; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special District Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to establish a fee schedule with respect to the admin-

istration of the act; providing a limitation thereto; directing that changes in numbering and terminology in the Florida Statutes be made; providing an appropriation; providing effective dates.

—a companion measure, was substituted for CS for CS for CS for SB 633 and by two-thirds vote read the second time by title.

Senator Myers moved the following amendment:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 189.401, Florida Statutes, is created to read:

189.401 Short title.—This chapter may be cited as the "Uniform Special District Accountability Act of 1988."

Section 2. Section 189.402, Florida Statutes, is created to read:

189.402 Statement of legislative purpose and intent.—

(1) It is the intent of the Legislature through the adoption of this chapter to provide general provisions for the definition, creation, and operation of special districts and to provide further for separate parts for specific districts. It is the specific intent of the Legislature that dependent special districts shall be created at the prerogative of the counties and municipalities and that independent special districts shall only be created as authorized in general law.

(2) It is the intent of the Legislature, through the adoption of this chapter, to have one centralized location for all statutory provisions governing special districts and to:

(a) Improve the implementation of statutes currently in place that help ensure the accountability of special districts to state and local governments.

(b) Improve communication and coordination between state agencies with respect to required special district reporting and state monitoring.

(c) Improve communication and coordination between special districts and other local entities with respect to ad valorem taxation, non-ad valorem assessment collection, special district elections, and local government comprehensive planning.

(d) Move toward greater uniformity in special district elections and non-ad valorem assessment collection procedures at the local level without hampering the efficiency and effectiveness of the current procedures.

(e) Clarify special district definitions and creation methods in order to ensure consistent application of those definitions and creation methods across all levels of government.

(f) Specify in general law the essential components of a new type of special district.

(3) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation, and duration of independent special districts to manage and finance basic capital infrastructure services; and that, based upon a proper and fair determination of applicable facts, an independent special district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services for independent special districts conform to a uniform standard.

(4) It is the policy of this state:

(a) That independent special districts are a legitimate alternative method available, as authorized by state law, to manage and finance basic capital infrastructure services.

(b) That the exercise by any independent special district of its powers as set forth by uniform general law comply with all applicable governmental comprehensive planning laws, rules, and regulations.

(5) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to establish an independent special district as an alternative method to manage and finance basic capital infrastructure services. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent special district.

(6) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this public trust is best secured by certain minimum standards of accountability designed to inform the public and appropriate general-purpose local governments of the status and activities of special districts. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this chapter may result in action against officers of such district board.

(7) Realizing that special districts are created to serve special purposes, the Legislature intends through the adoption of this chapter that special districts cooperate and coordinate their activities with the units of general-purpose local government in which they are located. The reporting requirements set forth in this chapter shall be the minimum level of cooperation necessary to provide services to the citizens of this state in an efficient and equitable fashion.

Section 3. Effective October 1, 1990, section 189.404, Florida Statutes, is created to read:

189.404 Special district formation procedures; model general law elements.—

(1) A charter for creation of a dependent special district may be adopted by ordinance or resolution of a county or municipal governing body having jurisdiction over the area affected.

(2)(a) A municipality may establish by ordinance an independent special district in accordance with s. 190.005, or as otherwise authorized in general law.

(b) A county may adopt a charter for the creation of an independent special district in accordance with s. 189.425 or s. 189.426, or by ordinance establish such a district in accordance with s. 190.005, or as otherwise authorized in general law.

(c) The Governor and Cabinet may promulgate a rule for the establishment of an independent special district in accordance with s. 190.005 or may adopt a charter for the creation of an independent special district in accordance with s. 374.75, or as otherwise authorized in general law.

(d) The Legislature may create an independent special district by special act of the Legislature in accordance with s. 298.01, or as otherwise authorized in general law, when a statement is submitted to the Legislature that documents the following:

1. The purpose of the proposed district;

2. The authority of the proposed district;

3. An explanation of why the district is the best alternative; and

4. Resolutions or official statements of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district does not conflict with the approved local government comprehensive plans of the local governing body and that the local government has no objection to the formation of the proposed district.

(3) General law enacted after the effective date of this act authorizing the creation of a new type of independent special district that uses a one-acre/one-vote election principle shall provide for a governing board consisting of five members. Three members shall constitute a quorum.

(4) Any combination of two or more counties may establish a regional special district in accordance with s. 163.567, s. 163.804, or s. 950.001, or as otherwise authorized in general law.

(5) A general law enacted after the effective date of this act which authorizes the initial creation of an independent special district must prescribe at a minimum:

(a) The purpose of the district.

(b) The general powers and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, and contractual agreements.

(c) The methods for establishing and dissolving the district.

(d) The method for amending the charter of the district.

(e) The membership and organization of the governing board of the district.

(f) The maximum compensation of a governing board member.

(g) The administrative duties of the governing board of the district.

(h) The applicable financial disclosure, noticing, and reporting requirements.

(i) If a district has authority to issue bonds, the procedures and requirements for issuing the bonds.

(j) The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district.

(k) The methods for financing the district.

(l) If an independent special district has authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the rate of taxation that is authorized.

(m) The method or methods for collecting non-ad valorem assessments, fees, or service charges.

(n) Planning requirements.

(o) Geographic boundary limitations.

Section 4. Section 189.405, Florida Statutes, is created to read:

189.405 Special district elections; general requirements.—

(1) All elections conducted by a dependent special district must be conducted by the supervisor of elections for the county in which the district is located and in accordance with the Florida Election Code, chapters 97 through 106.

(2)(a) Any independent special district located entirely within a single county may provide for the conduct of district elections by the supervisor of elections for that county. Any independent special district that conducts its elections through the supervisor of elections must make its election procedures consistent with the Florida Election Code, chapters 97 through 106, with respect to:

1. Qualifying periods, in accordance with s. 99.061;

2. Petition format, in accordance with rules adopted by the Division of Elections;

3. Canvassing of returns, in accordance with ss. 101.5614 and 102.151;

4. Noticing special district elections, in accordance with chapter 100; and

5. Polling hours, in accordance with s. 100.011.

(b) Any independent special district that does not conduct its elections through the supervisor of elections for the county shall report to the supervisor of elections in a timely manner the purpose, date, authorization, and results of each election conducted by the district.

(3) With the exception of special district elections that are conducted on a one-acre, one-vote principle, qualification for multi-county special district governing board positions and elections for the purpose of electing members to the governing board must conform to the Florida Election Code, chapters 97 through 106. The supervisor of elections for the county within which most of the land within the multicounty special district is located shall administer qualifications for the governing board positions and the conduct of the district elections unless otherwise agreed by the supervisors of elections for all counties within which any portion of the multicounty district is located.

(4) With the exception of paragraph (2)(b), the provisions of this section do not apply to community development districts.

Section 5. Section 189.4055, Florida Statutes, is created to read:

189.4055 Special district conversion from one-acre, one-vote principle to one-person, one-vote principle for elections.—This section does not apply to any special district created pursuant to chapter 190 or any single-purpose special district created by special act or pursuant to chapter 298 for the purpose of providing drainage or water control.

(1)(a) The provisions of subsection (2) apply to any district, without the need for a special law enacted or required under paragraph (b), when:

1. The governing board of a special district is elected on the basis of one vote for each one acre of land owned;

2. The special district has a total population of more than 2,500 persons according to the most recent census or population estimate;

3. The special district has more than 2,000 registered voters; and

4. A petition signed by more than 75 percent of the registered voters of the district requesting conversion from a one-acre, one-vote election principle to a one-person, one-vote election principle has been submitted to and verified by the supervisor of elections for the county in which all or most of the areal extent of the district is located.

(b) The governing board or landowners of any special district in which the members of the board are elected on the basis of one vote for each one acre of land owned may request the legislative delegation that represents the territory within the district to modify the district charter by special act to provide for a more equitable basis for election of its board members. If the substance of such request is enacted into law by the 1988 or 1989 Regular Session of the Legislature, that law will serve as the election charter for electing governing board members within that district and will exempt that district from the election provisions of this section.

(2) If a special district has met the requirements of paragraph (1)(a), then the provisions of this subsection shall take effect upon becoming a law. If a special district has not met the requirements of paragraph (1)(a) by August 1, 1989, or if it has not by August 1, 1989, had a special law enacted as specified in paragraph (1)(b), the election provisions within this subsection will apply to that special district, whether created pursuant to statute, court order, ordinance, or resolution, if its governing board is elected solely on the basis of one vote for each one acre of land owned when such district has a population that exceeds 500 qualified electors and 10 percent of said electors have signed and filed a petition with the governing board of the district requesting a referendum. The provisions in this subsection supersede any special or general act to the contrary.

(a) Definitions.—As used in this section, the term:

1. "Qualified elector" means any person who is at least 18 years of age, is a citizen of the United States, is a permanent resident of this state, and is a freeholder and resident of the district and who is registered to vote in a county within which any portion of the district is located.

2. "Urban area" means a contiguous, developed urban area within a district having a minimum average resident population density of at least 1.5 persons per acre according to the latest official census, special census, or population estimate or a minimum density of one single-family home per 2.5 acres with access to improved roads or a minimum density of one single-family home per 5 acres within a platted subdivision of record. Urban areas must be designated by the governing board of the district with the assistance of all local general-purpose governments within the territory of which any portion of the district is located.

3. "Governing board member" means a duly elected member of the governing board of a special district elected pursuant to this section.

Any board member elected by popular vote must be a qualified elector of the district, and any board member elected on the basis of one vote for each one acre of land owned must be a freeholder of the district and a resident of the state.

4. "Contiguous developed urban area" means any reasonably compact urban area located entirely within a special district. The separation of urban areas by a publicly owned park, right-of-way, or highway, road, railroad, canal, utility, body of water, water course, or other minor geographical division of a similar nature shall not prevent such areas from being defined as urban areas.

(b) Popular elections, referendum.—

1. A referendum must be called by the governing board of a special district on the question of whether certain members of a district governing board should be elected by qualified electors if the district has a total resident population according to the latest official state census, special census, or population estimate of at least 500 electors and a petition signed by at least 10 percent of the qualified electors of the district has been filed with the governing board of the district and the supervisor of elections for each county in which the district is located.

2. Upon verification by the supervisor of elections of the county, or the supervisors of elections of the counties, within which the district is located that at least 10 percent of the qualified electors of the district have petitioned the governing board, a referendum must be called by the governing board at the next general election.

3. If the qualified electors of the district approve the election procedure described in this section, the governing board of the district will be composed of five members, and elections must be held pursuant to the criteria described in this section, beginning with the next general election occurring at least 6 months after the referendum.

4. If the qualified electors of the district disapprove the election procedure described in this section, elections of members of the governing board must continue to be held as described in s. 298.12 or in the enabling legislation for the district. No further referendum on the question may be held for a period of 2 years.

(c) Designation of urban areas.—

1. Within 30 days after approval of the election procedure described in this section by the qualified electors of the district, the governing board shall direct the district engineer to prepare and present maps of the district describing the areal extent and location of all urban areas within the district. Such determination must be based upon the criteria specified in subparagraph 2. of paragraph (a).

2. Within 60 days after approval of the election procedure described in this section by the qualified electors of the district, the maps describing urban areas within the district must be presented to the governing board of the district. Within 60 days after submission of the maps, the governing board may amend and shall adopt such maps at a regularly scheduled board meeting.

3. Any district landowner or elector may contest the accuracy of the urban area maps adopted by the governing board within 30 days after their adoption. Upon notice of objection to the maps, the governing board shall request the county engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within subparagraph (a)2. Within 30 days after the governing board request, the county engineer shall present the maps to the governing board.

4. Upon their adoption by the governing board or their certification by the court, the district urban area maps will serve as the official maps for determining the areal extent of an urban area within the district and the number of members of the governing board that must be elected by qualified electors of the district and the number of members of the governing board that must be elected by landowners of the district at the next regularly scheduled election of members of the governing body.

5. After determining the percentage of urban area within the district as compared to the total area within the district, the district governing board shall order elections in accord with the changed percentages pursuant to paragraph (d). Such elections must be held at the next general election occurring at least 6 months after the referendum. The annual landowners' meeting for such district must be held during the same month as the general election and as close to the election date as practicable. The date of the landowners' meeting must be designated by the governing board.

6. The urban area maps must be revised and readopted every 5 years or, in the discretion of the governing board, at more frequent intervals.

(d) Governing board members; composition.—

1. The governing board members of the district must be elected in accord with the following determinations of urban area within the district:

a. If urban areas constitute 25 percent or less of the areal extent of the district, one member must be elected by the qualified electors of the district, and four members must be elected by the landowners of the district in accord with the one-acre, one-vote method prescribed in s. 298.11 or the district enabling legislation, except as provided in this section.

b. If urban areas constitute more than 25 percent but not more than 50 percent of the areal extent of the district, two members must be elected by the qualified electors of the district, and three members must be elected by the landowners of the district in accord with the one-acre, one-vote method prescribed in s. 298.11 or the district enabling legislation, except as provided in this section.

c. If urban areas constitute more than 50 percent but not more than 70 percent of the areal extent of the district, three members must be elected by the qualified electors of the district, and two members must be elected by the landowners of the district in accord with the one-acre, one-vote method prescribed in s. 298.11 or the district enabling legislation, except as provided in this section.

d. If urban areas constitute more than 70 percent but not more than 90 percent of the areal extent of the district, four members must be elected by the qualified electors of the district, and one member must be elected by the landowners of the district in accord with the one-acre, one-vote method prescribed in s. 298.11 or the district enabling legislation, except as provided in this section.

e. If urban areas constitute more than 90 percent of the areal extent of the district, all five members must be elected by the qualified electors of the district.

2. All governing board members of the district who are required to be elected by qualified electors of the district must be elected at large.

(e) Terms of office.—All members elected by qualified electors or landowners must be elected for terms of 4 years each, except that the members elected at the first election and landowners' meeting conducted after the referendum prescribed in this section must be elected for terms as follows:

1. If one member is to be elected by qualified electors and four members are to be elected by landowners, the member elected by the electors must be elected for a term of 4 years, and the members elected by the landowners must be elected for respective terms of 1 year, 2 years, 3 years, and 4 years as prescribed by ss. 298.11 and 298.12, except as provided in this section.

2. If two members are to be elected by qualified electors and three members are to be elected by landowners, the members elected by the electors must be elected for terms of 4 years, and the members elected by the landowners must be elected for respective terms of 1 year, 2 years, and 3 years as prescribed by ss. 298.11 and 298.12, except as provided in this section.

3. If three members are to be elected by qualified electors and two members are to be elected by landowners, two of the members elected by the electors must be elected for terms of 4 years and one member for a term of 2 years, and the members elected by the landowners must be elected for respective terms of 1 year and 2 years as prescribed by ss. 298.11 and 298.12, except as provided in this section.

4. If four members are to be elected by qualified electors and one member is to be elected by landowners, two of the members elected by the electors must be elected for terms of 2 years and two for terms of 4 years, and the member elected by the landowners must be elected for a term of 1 year as prescribed by ss. 298.11 and 298.12, except as provided in this section.

5. If all five members are to be elected by qualified electors, three members must be elected for terms of 4 years and two members for terms of 2 years.

(f) Vacancy.—Any vacancy occurring in the membership of a governing board must be filled pursuant to s. 298.12.

(g) Landowners' meetings.—

1 Annual landowners' meetings must continue to be held pursuant to s. 298.11 and at least one member must be elected on the basis of one vote for each one acre of land owned as provided by s. 298.12 for so long as 10 percent or more of the area of the district is outside an urban area. When all district members are required to be elected by qualified electors, annual landowners' meetings may no longer be held.

2. At any landowners' meeting called pursuant to this section, representation of 50 percent of the acreage of the district is not required to constitute a quorum, but each member who is to be elected by the landowners must be elected by a majority of the acreage represented either by owner or proxy present and voting at the meeting.

3. The date of a landowners' meeting of a district operating pursuant to this section must be set by the governing board of the district within the month preceding, or within the month of, the second primary election.

(h) Qualification.—Elections for members elected by qualified electors must be nonpartisan. Each candidate for a member office required to be elected by the qualified electors of the district must qualify for election pursuant to the Florida Election Code during the qualification period prior to the second primary election.

(i) Time of election.—After the first election pursuant to this section, elections to the governing board by qualified electors will be held at the second primary election and any run-off election will be held at the next general election.

Section 6. Section 189.4065, Florida Statutes, is created to read:

189.4065 Collection of non-ad valorem assessments.—Community development districts may and other special districts shall provide for the collection of annual non-ad valorem assessments in accordance with chapter 197 or monthly non-ad valorem assessments in accordance with chapter 170.

Section 7. Section 189.408, Florida Statutes, is created to read:

189.408 Special district bond referenda.—Where required by the State Constitution or general law, special district bond referenda shall be conducted according to ss. 100.211 and 100.221. The provisions of this section shall not apply to community development districts created pursuant to chapter 190.

Section 8. Section 189.4085, Florida Statutes, is created to read:

189.4085 Bond issuance.—

(1) When no referendum is required, prior to the sale of bonds issued by a special district, the district shall provide evidence to bond counsel of the credit quality of the proposed bonds by at least one of the following methods:

(a) The bonds shall be rated in one of the highest four ratings by a nationally recognized rating service;

(b) The bonds shall be privately placed with an accredited investor;

(c) The bonds shall be backed by a letter of credit from a bank, savings and loan association, or other creditworthy guarantor, or by bond insurance, guaranteeing payment of principal and interest on the bonds; or

(d) The bonds shall be accompanied by an independent financial advisory opinion certifying reasonable estimates of debt service coverage and probability of debt repayment. This opinion shall be provided by an independent financial advisory, consulting, or accounting firm registered, where applicable, and in good standing with the State of Florida, in conformance with all applicable professional standards for such opinions.

(2) The Division of Bond Finance of the Department of General Services shall have the statutory power and authority to create reasonable administrative rules necessary to implement the requirements of this section.

(3) The provisions of this section shall not apply to community development districts created pursuant to chapter 190.

Section 9. Section 189.409, Florida Statutes, is created to read:

189.409 Determination of financial emergency.—A special district shall notify the Governor and Legislative Auditing Committee when the health, safety, and welfare of the citizens of the state are affected by the occurrence of one or more of the conditions described in s. 218.503, or if said conditions will occur if action is not taken to assist the special district. The Governor may adopt rules to implement the provisions of this section.

Section 10. Section 189.412, Florida Statutes, is created to read:

189.412 Office of Special District Information; duties and responsibilities.—The Office of Special District Information of the Department of Community Affairs is hereby created and shall have the following special duties:

(1) The collection and maintenance of reports required in ss. 189.416 and 189.418.

(2) Within an appropriate time frame, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the Department of General Services, the Division of Retirement of the Department of Administration, the Division of Ad Valorem Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.63, 200.068, 218.32, 218.34, 218.37, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

(3) The maintenance of a master list of independent and dependent special districts which shall be annually updated and distributed to the appropriate officials in state and local governments.

(4) The organization and sponsorship of a biennial conference, the first of which must be held prior to March 1, 1989, for the purposes of:

(a) Explaining special district reporting requirements prescribed by general law;

(b) Describing general statutory provisions that affect the majority of special districts in the state;

(c) Conducting training sessions in budget preparation and bond issuance; and

(d) Examining all aspects of special district reporting requirements in order to develop more efficient submission and use of the reports.

(5) The publishing and updating of a "Florida Special District Handbook" which shall contain, at a minimum:

(a) A section which specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections which specify current statutory provisions for special district creation, modification, dissolution, and operating procedures.

(c) A section which summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.416, 189.417, and 189.418.

(6) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(7) The facilitation of coordination and communication between state agencies regarding special district information.

(8) The conduct of studies relevant to special districts.

(9) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter.

Section 11. *The master list of special districts required by s. 189.412(3), Florida Statutes, shall include all special districts in this*

state. The department shall furnish a copy of the list of special districts to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives by October 1, 1989. The list shall be sorted by county. Each district shall be classified as independent or dependent, using for such classification the status claimed by the district, the provisions of s. 165.041(2), Florida Statutes, the definitions in s. 200.001, Florida Statutes, and the following definitions:

(1) "Special district" means a local unit of special-purpose, as opposed to general-purpose, government within a limited boundary, created by general or special law or by local ordinance or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17 or a utility authority, commission, or board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

(2) "Dependent special district" means a special district that meets at least one of the following criteria:

(a) The membership of its governing body is identical to that of the governing body of a single county or a single municipality.

(b) All members of its governing board are appointed by the governing body of a single county or a single municipality.

(c) During their unexpired terms, all members of a special district's governing body are subject to removal by the governing body of a single county or a single municipality.

(d) The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

(3) "Independent special district" means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district.

Section 12. Section 189.413, Florida Statutes, is created to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Office of Special District Information of the Department of Community Affairs; and

(2) Submitting annually a list of special districts participating in a state funding program to the Office of Special District Information of the Department of Community Affairs. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 13. Section 189.415, Florida Statutes, is created to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163.

(2) Beginning March 1, 1990, each independent special district shall submit annually to each local general-purpose government in which it is located a public facilities report. The public facilities report shall specify the following information:

(a) A description of existing public facilities owned and operated by the special district. This description shall include the current capacity of the facility and the current demands placed upon it. This information shall only be required in the initial report.

(b) A description of each public facility the district is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next 5 years.

(c) The anticipated time the construction, improvement, or expansion of each facility will be completed.

(d) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both the existing and anticipated capacity must be listed.

(3) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent annual report required by s. 380.06(15) and (18) and submitted to the developer, to the extent the annual report provides the information required by subsection (2).

(4) For each special district created after March 1, 1989, the facilities report shall be prepared and submitted within 1 year after the district's creation.

(5) For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a special district facilities report may be used and relied upon by the local general-purpose government or governments within which the special district is located.

(6) Any special district that has completed the construction of its public facilities, improvements to its facilities, or its development is not required to submit a public facilities report, but must submit the information required by paragraph (2)(a).

(7) A special district plan of reclamation required pursuant to general law or special act, including, but not limited to, a plan prepared pursuant to chapter 298 which complies with the requirements of subsection (2), shall satisfy the requirement for a public facilities report. A water management and control plan adopted pursuant to s. 190.013, which complies with the requirements of subsection (2), satisfies the requirement for a public facilities report for the facilities the plan addresses.

(8) Special districts required to complete plans pursuant to chapter 163, including the Reedy Creek Improvement District and each deepwater port listed in s. 403.021(9)(b), are not required to provide the public facilities report as specified in subsection (2).

Section 14. Section 189.4155, Florida Statutes, is created to read:

189.4155 Activities of special districts, local comprehensive plan.—Activities undertaken by a special district related to the provision of public facilities governed by part II of chapter 163 shall be consistent with the applicable adopted local government comprehensive plan.

Section 15. Section 189.4157, Florida Statutes, is created to read:

189.4157 District management.—To ensure district accountability, the governing board of an independent special district which has an annual budget of $300,000 or more and which does not have a professional manager in full-time employment on the district payroll shall, by June 1, 1990, at a noticed nonemergency meeting, consider on the record whether to hire such a full-time manager. Any independent special district, however and whenever created, in the year when its annual budget is $300,000 or greater, and which does not yet employ on its payroll a full-time professional manager, shall within that year at a noticed nonemergency meeting, consider whether to hire such a full-time manager. Any independent district whose annual budget is $300,000 or greater and which does not employ such a full-time manager on its payroll shall annually, at a noticed nonemergency meeting, revisit the decision not to hire such a full-time professional district manager on its payroll until and unless the governing board does in fact hire such a full-time professional manager. Part-time professional consultants, even if on the payroll, do not satisfy this requirement.

Section 16. Section 189.004, Florida Statutes, is renumbered as section 189.416, Florida Statutes, to read:

189.416 ~~189.004~~ Designation of registered office and agent.—

(1) Prior to October 1, 1979, or no later than 1 year subsequent to its creation, each special district in the state shall designate a registered office and a registered agent and file such information with the local governing authority or authorities and with the department. The registered agent shall be an agent of the district upon whom any process, notice, or demand required or permitted by law to be served upon the district may be served. A registered agent shall be an individual resident of this state whose business address is identical with the registered office of the district. The registered office may be, but need not be, the same as the place of business of the special district.

(2) The district may change its registered office or change its registered agent, or both, upon filing such information with the local governing authority or authorities and with the department.

Section 17. Section 189.005, Florida Statutes, is renumbered as section 189.417, Florida Statutes, and amended to read:

189.417 ~~189.005~~ Meetings; notice; required reports.—

(1) The governing body of each special district shall file annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The governing body of an independent special district shall advertise the day, time, place, and purpose of any ~~special~~ meeting *other than a regular meeting* of the governing body, at least 7 days prior to such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the board. *No approval of the annual budget shall be granted at an emergency meeting.* The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.

(3) Meetings of the governing body of the special district shall be held in a public building when available within the district, in a county courthouse of a county in which the district is located, or in a building in the county accessible to the public.

Section 18. Section 189.006, Florida Statutes, is renumbered as section 189.418, Florida Statutes, and amended to read:

189.418 ~~189.006~~ Reports; audits.—

(1) *Within 90 days* prior to *the* ~~October 1, 1979, or no later than 1 year subsequent to its~~ creation *of an independent,* ~~each~~ special district, ~~shall file with~~ the local *government or other entity authorized to create the district may provide* ~~governing authority or authorities and with~~ the department *with* a copy of the document *by which the district will be created* ~~authorizing its creation, by whatever method the creation occurred, a list of any improvements necessary to accomplish district purposes; a proposed schedule of completion of any improvements; and if applicable, a plan of termination~~. *Within 60 days after the receipt of the document that proposes the creation of the independent special district, the department shall make a determination as to the status of the district as dependent or independent and shall notify the party that requested the determination of its status.*

(2) Subsequent to the creation of a district, any amendment, modification, or update *of the document by which the district was created must* ~~required shall~~ be filed *with the department* within 30 days *after* ~~of~~ its adoption by the district board ~~in the same manner as the original~~.

(3)~~(2)~~ *Each year,* each *independent* special district shall file with the local *general-purpose* governing authority or authorities *in the jurisdiction of which the district is located* a copy of:

(a) The local government financial reports required by ss. 218.32 and 218.34*;* ~~and~~

(b) A complete description of all outstanding bonds as provided in s. 218.38(1)*; and*

(c) A map of the district.

(4)~~(3)~~ Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.

(5)~~(4)~~ All reports or information required to be filed with a local governing authority under ss. 11.45, *189.416* ~~189.004~~, *189.417* ~~189.005~~, 218.32, and 218.34 and this section shall:

(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 19. Section 189.007, Florida Statutes, is renumbered as section 189.419, Florida Statutes, and amended to read:

189.419 ~~189.007~~ Effect of failure to file certain reports.—

(1) If a special district fails to file the reports required under s. 11.45, *s. 189.415, s. 189.416* ~~189.004~~, s. *189.417* ~~189.005~~, s. *189.418* ~~189.006~~, s. 218.32, or s. 218.34 and a description of all outstanding bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to *receive and* read the reports shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports, except that no extension shall exceed 30 days.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. *189.421* ~~189.008~~.

(3) If a special district fails to file the reports required under s. 11.45, s. 218.32, s. 218.34, or s. 218.38 with the appropriate state agency, the agency may request the department to initiate proceedings against the special district in the manner provided in s. *189.421* ~~189.008~~.

Section 20. Section 189.008, Florida Statutes, is renumbered as section 189.421, Florida Statutes, and amended to read:

189.421 ~~189.008~~ Failure of district to disclose financial reports.—

(1) The department shall investigate all petitions filed pursuant to s. *189.419* ~~189.007~~ and determine whether or not the district board has made a good faith effort to file the required reports.

(2) If the department determines that a good faith effort has been made, it shall grant a reasonable extension of time for filing the required reports with the appropriate bodies and notify the special district of the granting of the extension.

(3) If the department determines that a good faith effort has not been made to file the report or that a reasonable time has passed and the reports have not been forthcoming, it may file a petition for hearing, pursuant to s. 120.57, on the question of the inactivity of the district. The proceedings and hearings required by ss. *189.416-189.422* ~~189.001-189.009~~ shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of Administration and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located, pursuant to all the applicable provisions of chapter 120. Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

Section 21. Section 189.009, Florida Statutes, is renumbered as section 189.422, Florida Statutes, to read:

189.422 ~~189.009~~ Action of the department.—

(1) If the department determines, after receipt of the report from the hearing examiner, that there is an inactive district under the criteria established in ss. 165.052 and 165.061(4)(b) and (c), it shall file such determination with the Secretary of State pursuant to s. 165.052.

(2) If the department determines that the failure to file the reports is a result of the volitional refusal of the members of the governing body of the district, it shall seek an injunction or writ of mandamus to compel production of the reports in the circuit court.

Section 22. Section 189.30, Florida Statutes, is renumbered as section 189.423, Florida Statutes, and amended to read:

189.423 ~~189.30~~ Purchase or sale of water or sewer utility by special district.—No dependent or independent special district, as defined by s. 200.001(8)(d) or (e), may purchase or sell a water or sewer utility that provides service to the public for compensation, until the governing body of the district has held a public hearing on the purchase or sale and made a determination that the purchase or sale is in the public interest. In determining if the purchase or sale is in the public interest, the district shall consider, at a minimum, the following:

(1) The most recent available income and expense statement for the utility;

(2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;

(3) A statement of the existing rate base of the utility for regulatory purposes;

(4) The physical condition of the utility facilities being purchased or sold;

(5) The reasonableness of the purchase or sales price and terms;

(6) The impacts of the purchase or sale on utility customers, both positive and negative;

(7) Any additional investment required and the ability and willingness of the purchaser to make that investment, whether the purchaser is the special district or the entity purchasing the utility from the special district;

(8) The alternatives to the purchase or sale and the potential impact on utility customers if the purchase or sale is not made; and

(9) The ability of the purchaser to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the special district or the entity purchasing the utility from the special district.

The special district shall prepare a statement showing that the purchase or sale is in the public interest, including a summary of the purchaser's experience in water and sewer utility operation and a showing of financial ability to provide the service, whether the purchaser is the special district or the entity purchasing the utility from the special district. *The provisions of this section shall not apply to community development districts created pursuant to chapter 190.*

Section 23. *Section 125.901, Florida Statutes, is renumbered as section 189.425, Florida Statutes, and designated as part II of chapter 189, Florida Statutes--Juvenile Welfare Service Districts.*

Section 24. *Section 154.331, Florida Statutes, is renumbered as section 189.426, Florida Statutes, and designated as part III of chapter 189, Florida Statutes--Indigent Health Care Districts.*

Section 25. *Chapter 190, Florida Statutes, consisting of sections 190.001 through 190.049, is hereby transferred to chapter 189, Florida Statutes, and designated as part IV--Community Development Districts. In editing manuscript for the next official version of the Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee is directed to assign appropriate numbers to the transferred sections.*

Section 26. *Chapter 298, Florida Statutes, consisting of sections 298.001 through 298.78, is hereby transferred to chapter 189, Florida Statutes, and designated as part V--Water Control Districts. In editing manuscript for the next official version of the Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee is directed to assign appropriate numbers to the transferred sections.*

Section 27. *Chapter 374, Florida Statutes, consisting of sections 374.001 through 374.9785, is hereby transferred to chapter 189, Florida Statutes, and designated as part VI--Canal Authority; Navigation Districts; Waterways Development. In editing manuscript for the next official version of the Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee is directed to assign appropriate numbers to the transferred sections.*

Section 28. *Notice of taxes; publication and mail.—*

(1) Within 20 days after receipt of the certified roll, the tax collector shall mail to each taxpayer appearing on the assessment roll, whose post-office address is known to him, a tax notice stating the amount of current taxes due from the taxpayer and, if applicable, the fact that back taxes remain unpaid and advising the taxpayer of the discounts allowed for early payment. The notice shall be accompanied by a printed statement as provided in s. 197.342, Florida Statutes. The postage shall be paid out of the general fund of the county, upon statement thereof by the tax collector. The form of the notice must contain:

(a) The name of the county, the tax year, and the complete mailing address of the tax collector for that county to which the taxpayer can return the receipt part of the tax notice;

(b) The complete mailing address for at least one of the owners of the property;

(c) The legal description of the property up to at least 25 characters and the unique parcel or tax identification number of the property;

(d) A disclosure, appropriately labeled, showing the total amount of combined levies and the total discounted amount due each month when paid in advance;

(e) A schedule listing the assessed value, exempted value, and taxable value of the property;

(f) Subheadings for columns listing the local governments, the corresponding millage rates expressed in dollars and cents per $1,000 of taxable value, and the associated tax amounts; and

(g) The names of the local governments listed in the same sequence and manner in which they were listed on the notice of proposed property taxes as required by s. 200.069(4)(a), Florida Statutes, with the exception that independent special districts, municipal service taxing units, and voted debt service millages for each local government must be listed separately. If a county has too many municipal service taxing units to list separately, it shall combine them to disclose the total number of such units and the amount of taxes levied.

(2) Notwithstanding s. 197.322(3), Florida Statutes, the provisions of this section shall be effective and shall operate only for tax year 1989.

Section 29. Effective January 1, 1990, and applicable to tax years beginning on or after that date, subsections (3) and (4) of section 197.102, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

197.102 Definitions.—As used in this chapter, the following definitions apply, unless the context clearly requires otherwise:

(3) "Tax certificate" means the document issued when *the combined total of* any real property *ad valorem* taxes *and non-ad valorem* ~~or special~~ assessments collectible under this chapter *becomes* ~~become~~ delinquent and *the combined total of* such taxes *and non-ad valorem* ~~or~~ assessments *is* ~~are~~ paid by a person who is not the property owner or acting as an agent of the property owner or when *the combined total of* such taxes *and non-ad valorem* ~~or~~ assessments *is* ~~are~~ not paid and the certificate is issued to the county in which the real property lies.

(4) "Tax notice" means the tax bill sent to taxpayers for payment of any taxes or special assessments collected pursuant to this chapter, *or the bill sent to taxpayers for payment of the total of ad valorem taxes and non-ad valorem assessments collected pursuant to s. 197.3632.*

(7) When a local government uses the method set forth in s. 197.3632, the following definitions shall apply:

(a) "Ad valorem tax roll" means the roll prepared by the property appraiser and certified to the tax collector for collection.

(b) "Non-ad valorem assessment roll" means a roll prepared by a local government and certified to the tax collector for collection.

Section 30. Effective January 1, 1990, and applicable to tax years beginning on or after that date, subsection (3) of section 197.322, Florida Statutes, is amended to read:

197.322 Delivery of *ad valorem tax and non-ad valorem* assessment *rolls* ~~roll~~; notice of taxes; publication and mail.—

(3) Within 20 *working* days after receipt of the certified *ad valorem tax* roll *and the non-ad valorem assessment rolls*, the tax collector shall mail to each taxpayer appearing on *said rolls* ~~the assessment roll~~, whose post-office address is known to him, a tax notice stating the amount of

current taxes due from the taxpayer and, if applicable, the fact that back taxes remain unpaid and advising the taxpayer of the discounts allowed for early payment. *Pursuant to s. 197.3632, the form of the notice of non-ad valorem assessments and notice of ad valorem taxes shall be as provided in s. 197.3635 and no other form shall be used, notwithstanding the provisions of s. 195.022.* The notice shall be accompanied by a printed statement as provided in s. 197.342. The postage shall be paid out of the general fund of *each local governing board* ~~the county~~, upon statement thereof by the tax collector.

Section 31. Effective January 1, 1990, and applicable to tax years beginning on or after that date, section 197.363, Florida Statutes, is amended to read:

197.363 Special assessments and service charges; optional method of collection.—

(1) At the option of the property appraiser, special assessments collected pursuant to this section prior to the effective date of this subsection may be collected pursuant to this section after the effective date of this subsection. However, any local governing board collecting non-ad valorem assessments pursuant to s. 197.363 on the effective date of this subsection may elect to collect said assessments pursuant to s. 197.3632. In the event of such election, the local governing board shall notify the property appraiser and tax collector in writing and comply with s. 197.3632(2) and the applicable certification provisions of s. 197.3632(5). If a local governing board amends any non-ad valorem assessment roll certified under this provision, the local governing board shall comply with all applicable provisions of s. 197.3631.

(2)~~(1)~~ *In accordance with subsection (1)* ~~Notwithstanding other provisions of law~~, special assessments authorized by general or special law or the State Constitution may be collected as provided for ad valorem taxes under this chapter if:

(a) The entity imposing the special assessment has entered into a written agreement with the property appraiser, at his option, providing for reimbursement of administrative costs incurred under this section;

(b) A resolution authorizing use of this method for collection of special assessments is adopted at a public hearing;

(c) Affected property owners have been provided by first-class mail prior notice of both the potential for loss of title that exists with use of this collection method and the time and place of the public hearing required by paragraph (b);

(d) The property appraiser has listed on the assessment roll the special assessment for each affected parcel;

(e) The dollar amount of the special assessment has been included in the notice of proposed property taxes; and

(f) The dollar amount of the special assessment has been included in the tax notice issued pursuant to s. 197.322.

(3)~~(2)~~ When collected by using the method provided for ad valorem taxes, special assessments shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment, and shall also be subject to the provisions of s. 192.091(2)(b)2.

(4)~~(3)~~ If the requirements of subsection *(2)*~~(1)~~ which are imposed upon the collection of special assessments are not met, the collection of such special assessments shall be by the manner provided in the ordinance or resolution establishing such special assessments. The manner of collection established in any ordinance or resolution shall be in compliance with all general or special laws authorizing the levy of such special assessments, and in no event shall the ordinance or resolution provide for use of the ad valorem collection method.

(5)~~(4)~~ The tax collector of a county may act as agent for the county in collecting service charges if the board of county commissioners of the county and the tax collector establish by agreement a manner in which service charges may be collected. The board of county commissioners shall compensate the tax collector for the actual cost of collecting such service charges. However, tax certificates and tax deeds may not be issued for nonpayment of service charges, and such charges shall not be included on a bill for ad valorem taxes.

(6) Effective January 1, 1990, no new special assessments may be collected pursuant to this section.

Section 32. Effective January 1, 1990, and applicable to tax years beginning on or after that date, section 197.3631, Florida Statutes, is created to read:

197.3631 Non-ad valorem assessments; general provisions.—Non-ad valorem assessments as defined in s. 197.3632 may be collected pursuant to the method provided for in ss. 197.3632 and 197.3635. The method specified in s. 197.3632 is one authorized alternative for imposing non-ad valorem assessments by local governing boards. Non-ad valorem assessments may also be collected pursuant to any alternative method which is authorized by law, but such alternative method shall not require the tax collector or property appraiser to perform those services as provided for in ss. 197.3632 and 197.3635. However, a property appraiser or tax collector may contract with a local government to supply information and services necessary for any such alternative method. Any county operating under a charter adopted pursuant to s. 11, Art. VIII of the Constitution of 1885, as amended, as referred to in s. 6(e), Art. VIII of the Constitution of 1968, as amended, may use any method authorized by law for imposing and collecting non-ad valorem assessments.

Section 33. Effective October 1, 1989, and applicable to tax years beginning on or after that date, section 197.3632, Florida Statutes, is created to read:

197.3632 Uniform method for the levy, collection, and enforcement of non-ad valorem assessments.—

(1) As used in this section:

(a) "Levy" means the imposition of a non-ad valorem assessment, stated in terms of rates, against all appropriately located property by a governmental body authorized by law to impose non-ad valorem assessments.

(b) "Local government" means a county, municipality, or special district levying non-ad valorem assessments.

(c) "Local governing board" means a governing board of a local government.

(d) "Non-ad valorem assessment" means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

(e) "Non-ad valorem assessment roll" means the roll prepared by a local government and certified to the tax collector for collection.

(f) "Compatible electronic medium" or "media" means machine-readable electronic repositories of data and information, including, but not limited to, magnetic disk, magnetic tape, and magnetic diskette technologies, which provide, without modification, that the data and information therein are in harmony with and can be used in concert with the data and information on the ad valorem tax roll keyed to the property identification number used by the property appraiser.

(2) A local governing board shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section. Administrative costs shall include, but not be limited to, those costs associated with personnel, forms, supplies, data processing, computer equipment, postage, and programming.

(3)(a) Notwithstanding any other provision of law to the contrary, a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment as authorized in this section shall adopt a resolution at a public hearing prior to January 1. The resolution shall clearly state its intent to use the uniform method of collecting such assessment. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing. The resolution shall state the need for the levy and shall include a legal description of the boundaries of the real property subject to the levy. If the resolution is adopted, the local governing board shall send a copy of it by United States mail to the property appraiser, the tax collector, and the department by January 10.

(b) Annually by June 1, the property appraiser shall provide each local government using the uniform method with the following information by list or compatible electronic medium: the legal description of the property within the boundaries described in the resolution, and the names and addresses of the owners of such property. Such information shall reference the property identification number and otherwise conform in format to that contained on the ad valorem roll submitted to the department. The property appraiser is not required to submit information which is not on the ad valorem roll or compatible electronic medium submitted to the department. If the local government determines that the information supplied by the property appraiser is insufficient for the local government's purpose, the local government shall obtain additional information from any other source.

(4)(a) A local government shall adopt a non-ad valorem assessment roll at a public hearing held between June 1 and September 15, if:

1. The non-ad valorem assessment is levied for the first time;

2. The non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition;

3. The local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or

4. There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

(b) At least 20 days prior to the public hearing, the local government shall notice the hearing by first class United States mail and by publication in a newspaper generally circulated within each county contained in the boundaries of the local government. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information: the purpose of the assessment; the total amount to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the local government will collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time and place of the hearing. However, notice by mail shall not be required if notice by mail is otherwise required by general or special law governing a taxing authority and such notice is served at least 30 days prior to the authority's public hearing on adoption of a new or amended non-ad valorem assessment roll. The published notice shall contain at least the following information: the name of the local governing board; a geographic depiction of the property subject to the assessment; the proposed schedule of the assessment; the fact that the assessment will be collected by the tax collector; and a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice.

(c) At the public hearing, the local governing board shall receive the written objections and shall hear testimony from all interested persons. The local governing board may adjourn the hearing from time to time. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. Notwithstanding the notices provided for in paragraph (b), the local governing board may adjust the assessment or the application of the assessment to any affected property based on the benefit which the board will provide or has provided to the property with the revenue generated by the assessment.

(5) By September 15 of each year, the chairman of the local governing board or his designee shall certify a non-ad valorem assessment roll on compatible electronic medium to the tax collector. The local government shall post the non-ad valorem assessment for each parcel on the roll. The tax collector shall not accept any such roll that is not certified on compatible electronic medium and that does not contain the posting of the non-ad valorem assessment for each parcel. It is the responsibility of the local governing board that such roll be free of errors and omissions. Alterations to such roll may be made by the chairman or his designee up to 10 days before certification. If the tax collector discovers errors or omissions on such roll, he may request the local governing board to file a corrected roll or a correction of the amount of any assessment.

(6) If the non-ad valorem assessment is to be collected for a period of more than 1 year or is to be amortized over a number of years, the local governing board shall so specify and shall not be required to annually adopt the non-ad valorem assessment roll. However, the local governing board shall annually inform the property appraiser, tax collector, and department by January 10 if it intends to continue using the uniform method of collecting such assessment.

(7) Non-ad valorem assessments collected pursuant to this section shall be included in the combined notice for ad valorem taxes and non-ad valorem assessments provided for in s. 197.3635. A separate mailing is authorized only as a solution to the most exigent factual circumstances. However, if a tax collector cannot merge a non-ad valorem assessment roll to produce such a notice, he shall mail a separate notice of non-ad valorem assessments or he shall direct the local government to mail such a separate notice. In deciding whether a separate mailing is necessary, the tax collector shall consider all costs to the local government and taxpayers of such a separate mailing, and the adverse effects to the taxpayers of delayed and multiple notices. The local government whose roll could not be merged shall bear all costs associated with the separate notice.

(8)(a) Non-ad valorem assessments collected pursuant to this section shall be subject to all collection provisions of this chapter, including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment.

(b) Within 30 days following the hearing provided in subsection (4), any person having any right, title, or interest in any parcel against which an assessment has been levied may elect to prepay the same in whole, and the amount of such assessment shall be the full amount levied, reduced, if the local government so provides, by a discount equal to any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedures available for use in the collection of ad valorem taxes pursuant to s. 197.492 are followed.

(c) Non-ad valorem assessments shall also be subject to the provisions of s. 192.091(2)(b), or the tax collector at his option shall be compensated for the collection of non-ad valorem assessments based on the actual cost of collection, whichever is greater. However, a municipal or county government shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments.

(9) The department shall adopt rules to implement the provisions of this section.

Section 34. Effective January 1, 1990, and applicable to tax years beginning on or after that date, section 197.3635, Florida Statutes, is created to read:

197.3635 Combined notice of ad valorem taxes and non-ad valorem assessments; requirements.—A form for the combined notice of ad valorem taxes and non-ad valorem assessments shall be produced and paid for by the tax collector. The form shall meet the requirements of this section and department rules and shall be subject to approval by the department. By rule the department shall provide a format for the form of such combined notice. The form shall meet the following requirements:

(1) It shall contain the title "Notice of Ad Valorem Taxes and Non-ad Valorem Assessments." It shall also contain a receipt part that can be returned along with the payment to the tax collector.

(2) It shall provide a clear partition between ad valorem taxes and non-ad valorem assessments. Such partition shall be a bold horizontal line approximately 1/8 inch thick.

(3) Within the ad valorem part, it shall contain the heading "Ad Valorem Taxes." Within the non-ad valorem assessment part, it shall contain the heading "Non-ad Valorem Assessments."

(4) It shall contain the county name, the assessment year, the mailing address of the tax collector, the mailing address of one property owner, the legal description of the property to at least 25 characters, and the unique parcel or tax identification number of the property.

(5) It shall provide for the labeled disclosure of the total amount of combined levies and the total discounted amount due each month when paid in advance.

(6) It shall provide a field or portion on the front of the notice for official use for data to reflect codes useful to the tax collector.

(7) The combined notice shall be set in type which is 8 points or larger.

(8) The ad valorem part shall contain the following:

(a) A schedule of the assessed value, exempted value, and taxable value of the property.

(b) Subheadings for columns listing taxing authorities, corresponding millage rates expressed in dollars and cents per $1,000 of taxable value, and the associated tax.

(c) Taxing authorities listed in the same sequence and manner as listed on the notice required by s. 200.069(4)(a), with the exception that independent special districts, municipal service taxing districts, and voted debt service millages for each taxing authority shall be listed separately. If a county has too many municipal service taxing units to list separately, it shall combine them to disclose the total number of such units and the amount of taxes levied.

(9) Within the non-ad valorem assessment part, it shall contain the following:

(a) Subheadings for columns listing the levying authorities, corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

(b) The purpose of the assessment, if the purpose is not clearly indicated by the name of the levying authority.

(c) A listing of the levying authorities in the same order as in the ad valorem part to the extent practicable. If a county has too many municipal service benefit units to list separately, it shall combine them by function.

(10) It shall provide instructions and useful information to the taxpayer. Such information and instructions shall be nontechnical to minimize confusion. The information and instructions required by this section shall be provided by department rule and shall include:

(a) Procedures to be followed when the property has been sold or conveyed.

(b) Instruction as to mailing the remittance and receipt along with a brief disclosure of the availability of discounts.

(c) Notification about delinquency and interest for delinquent payment.

(d) Notification that failure to pay the amounts due will result in a tax certificate being issued against the property.

(e) A brief statement outlining the responsibility of the tax collector, the property appraiser, and the taxing authorities. This statement shall be accompanied by directions as to which office to contact for particular questions or problems.

Section 35. Section 197.342, Florida Statutes, is amended to read:

197.342 *Millage and Tax Statement* ~~Notice of taxes~~; content and form.—

(1) A statement *titled "Millage and Tax Statement"* shall accompany the original notice of taxes and shall include:

(a) One table consisting of six separate columns and appropriate totals for each column, which table shall show for each taxing authority in the aggregate:

1. In the first column, each applicable rolled-back millage rate computed pursuant to s. 200.065(1) for every nonvoted millage levy and the applicable millage levied for the prior year for each millage levy adopted by vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution.

2. In the second column, an extension of the amount of taxes that would have been levied had the millage rates in the first column been adopted.

3. In the third column, the actual applicable millage rate or rates levied by the taxing authority.

4. In the fourth column, the amount of taxes actually levied by the taxing authority, based on the rates shown in the third column.

5. In the fifth column, the difference between the amounts in columns four and two.

6. In the sixth column, the percentage of change from column two to column four.

(b) A separate table listing in one column the identity of each taxing authority levying an amount less than or equal to the rolled-back rate computed pursuant to s. 200.065(1) and a second column identifying each taxing authority levying an amount in excess of that rate.

(2) The form of the statement, including appropriate headings and column descriptions, shall be prescribed by department rule and shall be brief and nontechnical to minimize confusion for the average taxpayer.

Section 36. Paragraphs (a) and (d) of subsection (3) of section 11.45, Florida Statutes, are amended, subsections (4), (5), (6), (7), (8), and (9) are renumbered as subsections (5), (6), (7), (8), (9), and (10), respectively, and new subsections (4) and (11) are added to said section, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a)1. The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards, and of all district boards of trustees of community colleges. Nothing herein shall limit the Auditor General's discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 2. Nothing in this section shall be construed as prohibiting a district school board from selecting an independent auditor to perform a financial audit as defined in s. 11.45(1)(b) notwithstanding the notification provisions of this section.

2. The Auditor General may at any time make financial audits and performance audits of the accounts and records of all governmental entities created pursuant to law. The audits referred to in this subparagraph shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. District school boards may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. In the event that the Auditor General may not be able to meet that requirement, the Auditor General shall notify the school board pursuant to subparagraph 4.

3. The Auditor General shall maintain a schedule of performance audits of state programs sufficient to audit all state programs within a 10-year period, unless directed otherwise by the Legislative Auditing Committee.

4. If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 2., each municipality with either revenues or expenditures of more than $100,000, each special district with either revenues or expenditures of more than $25,000, *each special district issuing bonds greater than $500,000 with an original maturity date in excess of 1 year from the time of issuance,* and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. A management letter shall be prepared and included as a part of each financial audit report. The county audit shall be one document which shall include a separate audit of each county agency. The county audit shall be a single report. The governing body of a county shall be responsible for selecting an independent certified public accountant to audit the county agencies of the county according to the following procedure:

a. In each noncharter county, an auditor selection committee shall be established, consisting of the county officers elected pursuant to s. 1(d), Art. VIII, State Constitution, and one member of the board of county commissioners or its designee.

b. The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice shall include a general description of the audit and shall indicate how interested certified public accountants can apply for consideration.

c. The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

d. Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

e. The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, and such other factors as may be determined by the committee to be applicable to its particular requirements.

f. The public shall not be excluded from the proceedings under this subparagraph.

g. The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required service.

h. The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i. Nothing in this subparagraph shall be construed to prohibit a contract for a period in excess of 1 year.

j. If the board of county commissioners receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. Should the board be unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over $50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract. This sub-subparagraph shall apply to audits covering the 1982-1983 fiscal year, and the procedure in this sub-subparagraph may be used by any county for subsequent audits. If there is a conflict between this sub-subparagraph and s. 473.317, this sub-subparagraph shall prevail.

k. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

l. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each county agency and the chairman of the board of county commissioners or his designee or with the chairman of the district school board or his designee, as appropriate, all of the auditor's comments pertaining to that agency which will be included in the audit report containing the auditor's comments for the areas within their responsibility. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his office.

m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, shall be filed with the governing body of the county and with the Auditor General within 30 days after the delivery of the financial audit report.

n. Each district school board that elects to utilize an independent audit shall select an auditor by using the same selection procedure as outlined under sub-subparagraphs b.-k. The district school board selection committee shall be set by policy of that district school board. The report shall be presented to the superintendent of schools and the chairman of the school board in that district and filed with the district school board and the Auditor General in conformity with sub-subparagraphs l. and m.

o. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all local governmental entity audits. Such rules shall include, but not be limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, chapter 79-183, Laws of Florida.

p. To be qualified to respond to a request for a proposal for a local governmental entity audit, the certified public accountant in charge of the audit to be performed must have completed within the immediate preceding 3 years at least 24 hours of continuing professional education programs that are approved by the Board of Accountancy and are directly related to the government environment and to governmental auditing.

The procedures under sub-subparagraphs a.-k. do not apply to audit agreements or contracts entered into before July 1, 1983.

5. Any financial audit report required under subparagraph 4. shall be submitted to the Auditor General within 30 days after completion of the audit but no later than 12 months after the end of the fiscal year of the governmental entity and district school board. If the Auditor General does not receive the financial audit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audit, *a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

a. In the case of a *local governmental entity, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the local unit of government has failed to comply. Upon notification, the department shall~~ withhold any funds payable to such governmental entity until the required financial audit is received by the Auditor General.

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon *receipt of* notification, the Department *of Community Affairs* shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

6. The Auditor General, in consultation with the Board of Accountancy, shall review all audits made pursuant to this paragraph by an independent certified public accountant.

(d) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by this subsection; ss. *189.416-189.422* ~~189.001-189.009~~; and part VII of chapter 112 and part III of chapter 218. The performance audit shall ana-

lyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the efficiency and effectiveness of the reporting system in monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond Finance of the Department of General Services for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.

(11) The Auditor General shall provide annually a list of those special districts which are in compliance with this section and a list of those special districts which are not in compliance with this section for the Office of Special District Information of the Department of Community Affairs.

Section 37. Subsection (4) of section 20.18, Florida Statutes, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(4) In addition to its other powers, duties, and functions, the department shall, under the general supervision of the secretary and the Interdepartmental Coordinating Council on Community Services, assist and encourage the development of state programs by the various departments for the productive use of human resources, and the department shall work with other state agencies in order that together they might:

(a) Effect the coordination, by the responsible agencies of the state, of the vocational, technical, and adult educational programs of the state in order to provide the maximum use and meaningful employment of persons completing courses of study from such programs; ~~and~~

(b) Assist the Department of Commerce in the development of employment opportunities*; and*~~.~~

(c) Improve the enforcement of special district reporting requirements and the communication among state agencies that receive mandatory reports from special districts.

Section 38. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the *Division of Bond Finance of the Department of General Services* ~~Department of Banking and Finance of the Office of the Comptroller~~.

Section 39. Subsection (9) is added to section 112.322, Florida Statutes, to read:

112.322 Duties and powers of commission.—

(9) The Commission on Ethics shall report the names of special district local officers certified as delinquent in filing financial disclosure to the Office of Special District Information of the Department of Community Affairs by November 1 each year.

Section 40. Paragraphs (d) and (e) of subsection (1) of section 112.665, Florida Statutes, are amended, and a new paragraph (e) is added to said subsection, to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(d) Issue, by January 1 annually, a report to the President of the Senate and the Speaker of the House of Representatives, which report details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations; ~~and~~

(e) Issue, by January 1 annually, a report to the Office of Special District Information of the Department of Community Affairs that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state administered retirement system provisions, as specified in chapter 121; and

(f)~~(e)~~ Adopt reasonable rules to administer the provisions of this part.

Section 41. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended, and paragraph (d) is added to subsection (1) of said section, to read:

218.32 Financial reporting; units of local government.—

(1)

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of the failure to report. Following receipt of notification of failure to report, *a hearing shall be scheduled by the committee for the purpose of receiving additional testimony addressing the failure of units of local government to comply with the reporting requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

1. In the case of a *unit of local government, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the local unit of government has failed to comply. Upon notification, the department shall~~ withhold any funds payable to such governmental entity until the required report is received by the department.

2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required financial report. Upon notification, the Department *of Community Affairs* shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

(d) The annual financial report of each municipality or county shall include a list of dependent special districts within the jurisdiction of that municipality or county.

(2) The department shall annually file a verified report by May 1 with the Governor, *the* ~~and~~ Legislature, *and the Office of Special District Information of the Department of Community Affairs* showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to~~, analyses of~~:

(a) *Analyses of* retirement information of all local retirement systems as provided by the Division of Retirement of the Department of Administration.

(b) *Analyses of* bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, industrial development bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

(c) *A list of units of local government that failed to comply with the reporting requirements of this section* ~~The information required by ss. 218.34(5) and 373.503(5)~~.

Section 42. Paragraphs (i) and (j) are added to subsection (1) of section 218.37, Florida Statutes, to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(i) By January 1 each year, provide the Office of Special District Information of the Department of Community Affairs with a list of special districts not in compliance with the requirements in s. 218.38.

(j) Use the copy of the complaint for the bond validation, served pursuant to s. 75.05(3), to verify the compliance of that special district with the requirements in s. 218.38.

Section 43. Subsection (3) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide the information required by subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions, *a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of units of local government to comply with the requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

(a) In the case of a *unit of local government, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the unit of local government has failed to comply. Upon notification, and pending receipt by the division of the required information, the Department of Banking and Finance shall~~ withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

Section 44. Subsection (14) of section 190.011, Florida Statutes, is amended to read:

190.011 General powers.—The district shall have, and the board may exercise, the following powers:

(14) To impose and foreclose special assessment liens as provided by this act *or to impose, collect, and enforce non-ad valorem assessments pursuant to the provisions of s. 197.3632.*

Section 45. Subsection (7) is added to section 190.021, Florida Statutes, to read:

190.021 Taxes*; non-ad valorem assessments.*—

(7) NON-AD VALOREM ASSESSMENTS.—Notwithstanding any other provision of this section, the board may utilize non-ad valorem assessments in lieu of benefit or maintenance taxes. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of s. 197.3632.

Section 46. Section 200.0684, Florida Statutes, is created to read:

200.0684 Annual compliance report for Department of Community Affairs.—An annual report indicating which special districts levying ad valorem taxes are certified and which special districts levying ad valorem taxes are not certified as being in compliance with this chapter as specified in s. 200.068 must be prepared by the Division of Ad Valorem Tax of the Department of Revenue and forwarded to the Office of Special District Information of the Department of Community Affairs.

Section 47. Subsections (4) and (5) of section 218.34, Florida Statutes, are amended to read:

218.34 Special districts; financial matters.—

(4) The local governing authority may, in its discretion, review ~~and approve~~ the budget or tax levy of any special district located solely within its boundaries.

~~(5) Each special district which does not receive state shared revenues under part II of this chapter shall, before January 1 of each year, certify compliance or noncompliance with s. 200.065 to the Department of Banking and Finance. Specific grounds for noncompliance shall be stated in the certification. In its annual report required by s. 218.32(2), the Department of Banking and Finance shall report to the Governor and the Legislature those special districts certifying noncompliance or not reporting.~~

Section 48. Paragraph (c) is added to subsection (4) of section 100.011, Florida Statutes, to read:

100.011 Opening and closing of polls, all elections; expenses.—

(4)

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections shall be conducted in accordance with the requirements of ss. 189.405 and 189.4055 to the extent that this does not conflict with the exemptions specified in said sections.

Section 49. Subsection (2) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(2) A unit of local government shall notify the Governor and the Legislative Auditing Committee when one or more of the ~~above~~ conditions *specified in subsection (1)* have occurred or will occur if action is not taken to assist the unit of local government. *In addition, any state agency may notify the Governor and the Legislative Auditing Committee when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist a unit of local government.*

Section 50. *Nothing in this act shall apply to ports listed in s. 403.021(9)(b), Florida Statutes, except that, if applicable, the said ports shall be responsible for reporting as required in ss. 11.45, 218.32, 218.37, and 218.38 and chapter 200, Florida Statutes.*

Section 51. *The Department of Community Affairs shall adopt rules to implement the provisions of chapter 189, Florida Statutes.*

Section 52. *Sections 189.001 and 189.002, Florida Statutes, are hereby repealed.*

Section 53. *Effective October 1, 1990, the following special districts, which have failed to file governmental enterprise expenditure and revenue reports with the Comptroller and have reported no bond activity to the Division of Bond Finance from 1980 through 1986, are hereby abolished and their duties are now the sole responsibility of the county in which they are located:*

(1) The Calhoun County Port Authority, as created by chapter 57-1208, Laws of Florida, as amended.

(2) The Levy County Port Authority, as created by chapter 65-1845, Laws of Florida, as amended.

(3) The Jay Hospital District, as created by chapter 59-1825, Laws of Florida, as amended.

(4) The Seminole County Memorial Hospital District, as created by chapter 18861, Laws of Florida, 1937, as amended.

Section 54. *Effective October 1, 1990, the following special districts, which have failed to file governmental enterprise expenditure and revenue reports with the Comptroller and have reported no bond activity to the Division of Bond Finance from 1980 through 1986, which were created pursuant to chapter 159 or chapter 582, Florida Statutes, are hereby abolished and their duties are now the sole responsibility of the county in which they are located:*

(1) The Pasco County Housing Finance Authority.

(2) The Sumter Housing Finance Authority.

(3) The Palm Beach-Broward Soil and Water Conservation District.

Section 55. *Effective October 1, 1990, the following special districts, which have failed to file governmental enterprise expenditure and revenue reports with the Comptroller and have reported no bond activity to the Division of Bond Finance from 1980 through 1986, regardless of their method of creation, are hereby abolished and their duties are now the sole responsibility of the county in which they are located:*

(1) The Gulf Cove Fire District.

(2) The Charlotte Harbor Water and Sewer District.

(3) The Lake Grady Water District.

(4) The East Bonita Drainage District.

(5) The Lake Grady Road and Bridge District/Extension 1.

Section 56. *The Department of Community Affairs, by rule, shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration of this act, except that in no event shall the fee exceed $150 per district per year. The fees collected pursuant to this section shall be deposited in the Special District Administrative Trust Fund, which is hereby created and which shall be administered by the Department of Community Affairs. Any fee rule shall consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Banking and Finance.*

Section 57. *In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee shall exercise its authority under s. 11.242(5)(g), Florida Statutes, to renumber the references to chapters, sections, subsections, and paragraphs which have been renumbered by, or through implementation of, the provisions of this act, so that such references will agree with such renumbering.*

Section 58. *There is hereby appropriated to the Department of Community Affairs in fiscal year 1988-1989 from the General Revenue Fund the nonrecurring sum of $175,000 and five positions for administration of this act.*

Section 59. Except as otherwise provided herein, this act shall take effect October 1, 1988, except that this section and s. 189.4055, Florida Statutes, shall take effect upon becoming a law.

Senator Myers moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 33, lines 15-31, and on page 34, lines 1-16, strike all of said lines and insert: The Department of Community Affairs shall prepare a study determining whether section 125.901, section 154.331, chapter 190, chapter 298 and chapter 374, Florida Statutes, should be transferred to chapter 189, Florida Statutes. Such study shall be presented to the chairmen of the House Community Affairs and Senate Economic, Community and Consumer Affairs Committee by March 1, 1989.

Senator Grant moved the following amendment to Amendment 1 which was adopted:

Amendment 1B—On page 67, between lines 22 and 23 insert:

Section 54. This act does not apply to regional water supply authorities created pursuant to section 373.1962, Florida Statutes, except that, if applicable, such water supply authorities shall be responsible for reporting as required in sections 11.45, 218.32, and 218.37, Florida Statutes, and chapter 200, Florida Statutes.

(Renumber subsequent section.)

Senator Stuart moved the following amendment to Amendment 1 which was adopted:

Amendment 1C—On page 60, lines 12-19, strike all of said lines and insert:

Section 38. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. ~~218.31(7)~~, a copy of the complaint shall be served on the *Division of Bond Finance of the Department of General Services* ~~Department of Banking and Finance of the Office of the Comptroller~~. *Notwithstanding any other provision of law, whether a general law or special act, validation of bonds to be issued by special districts shall not be mandatory, but shall be at the option of such issuer.*

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

Senator Myers moved the following amendment:

Amendment 2—Strike the title and insert: A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1988; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.404, F.S.; providing formation procedures for special districts and model general law elements; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4055, F.S.; providing for special district conversion from one-acre, one-vote to one-person, one-vote principle; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.4085, F.S.; providing for bond issuance; creating s. 189.409, F.S.; providing for a determination of financial emergency; providing for preparation of the master list of special districts; providing definitions; creating s. 189.412, F.S.; creating the Office of Special District Information and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds use by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to the local comprehensive plan; creating s. 189.4157, F.S.; providing for district management; renumbering s. 189.004, F.S.; renumbering and amending s. 189.005, F.S.; modifying meeting notice requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; renumbering s. 125.901, F.S., relating to county juvenile welfare boards; renumbering s. 154.331, F.S., relating to county indigent health care districts; transferring chapter 190, F.S., relating to community development districts; transferring chapter 298, F.S., relating to water control districts; transferring chapter 374, F.S., relating to canal authorities, navigation districts, and waterways development; providing requirements with respect to non-ad valorem assessments; specifying information which must be contained in tax notices; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.363, F.S.; revising provisions relating to the method of collection of special assessments and service charges; restricting the application of such provisions; creating s. 197.3631, F.S.; providing general requirements relating to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 197.342, F.S.; providing a title for a statement of tax information; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Office of Special District Information; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.31, F.S.; providing definitions; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district; deleting a report to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; provid-

ing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; providing for the application of the act with respect to certain ports; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special District Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; directing that changes in numbering and terminology in the Florida Statutes be made; providing an appropriation; providing effective dates.

Senator Myers moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 2, lines 28-31, and on page 3, lines 1-6, strike all of said lines and insert: applicability; providing for a study by the Department of Community Affairs; navigation

Senator Grant moved the following amendment to Amendment 2 which was adopted:

Amendment 2B—In title, on page 5, line 12, after the semicolon (;) insert: providing for applicability;

Senator Stuart moved the following amendment to Amendment 2 which was adopted:

Amendment 2C—On page 6, line 5, following the semicolon (;) insert: amending s. 75.05, F.S.; providing that validation of special district bonds is optional;

Amendment 2 as amended was adopted.

On motion by Senator Myers, by two-thirds vote CS for CS for HB 1605 as amended was read the third time by title.

On motion by Senator Thomas, the Senate reconsidered the vote by which CS for CS for HB 1605 was read the third time.

On motion by Senator Thomas, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

On motion by Senator Thomas, the Senate reconsidered the vote by which Amendment 1B was adopted.

Further consideration of **CS for CS for HB 1605** was deferred.

The Senate resumed consideration of—

CS for SB 150—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service; providing an effective date.

—with pending **Amendment 1.**

Ruling on the Point of Order by Senator Girardeau on Rule 3.13

Senator Barron, in reporting on the point of order stated:

"The question is whether Senator Hollingsworth's amendment complies with the requirement that changes to the state retirement system be studied by an actuary. An actuarial study was presented to the Senate in April of this year which studied the increase in special risk retirement from 2 percent per year of service to 3 percent per year of service. The increased employer contribution which was determined to be actuarially required for that change was 7.4 percent. Senator Hollingsworth's amendment divides both the increased benefit, and the increased employer contribution into five portions. The amendment is a modification of the original proposal, the basis of the study, and therefore protects the soundness of the Florida Retirement System, which is the underlying purpose of the rule. Therefore, the point is not well taken."

The presiding officer ruled the point not well taken.

Further consideration of **CS for SB 150** was deferred.

LOCAL CALENDAR

HB 963—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District; amending sections 3, 4 and 12, and adding section 19 to chapter 71-822, Laws of Florida, as amended, to include specified parcels of land as a subdistrict for water and sewer services within the territorial limits of the district; providing for the division of the territorial limits of the district into seven separate areas; providing for a board member to be elected from each of the seven separate areas; prohibiting district noninterference with existing water systems in the district, excluding the subdistrict; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 5, line 4, through page 6, line 28, strike all of said lines and insert:

Section 2. Section 4 of chapter 71-822, Laws of Florida, as amended by chapters 75-475, 76-431, 78-561, 80-577, and 86-429, Laws of Florida, is amended to read:

Section 4. The governing body of the district herein created shall consist of a board of seven members, who shall be qualified electors residing within said district. They shall be known and designated as the "Governing Board of the Loxahatchee River Environmental Control District."

(1) The board members serving when this act shall take effect shall serve as the board until the next general election and until their successors are elected and qualified.

(2) Prior to the next general election of the board, the board shall divide the area of the district into seven separate areas. Each area shall have approximately equal population according to the latest population figures available. As far as practicable and conditioned upon equal population such areas shall include: area number one (northern) electors within the Village of Tequesta, Jupiter Inlet Colony, and the unincorporated area of Martin County; area number two (northwestern) electors within the Town of Jupiter and the unincorporated area of Palm Beach County; area number three (northeastern) electors within the Town of Jupiter; area number four (southwestern) electors within the City of Palm Beach Gardens and the unincorporated area of Palm Beach County; area number five (central) electors within the Town of Juno Beach and the unincorporated area of Palm Beach County; area number six (southern) electors within the City of Palm Beach Gardens; area number seven (southeastern) electors within the Village of North Palm Beach and the Town of Lake Park. One board member shall be elected from each numbered area by the electors in the total district. Each board member shall be a resident of the area in which he is elected.

(3) The first elected board shall be elected in the general election of 1988 on the date provided in subsection (4). The terms of office shall be:

(a) Members from areas three, five, and seven shall be elected and hold office until the 1989 general election and until their successors are elected and qualified. Thereafter, the successors of the Board Members from areas three, five, and seven shall be elected for a term of 2 years in odd-numbered years.

(b) Members from areas one, two, four and six shall be elected and hold office until the general election in 1990 and until their successors are elected and qualified. Thereafter, the successors of the board members from areas one, two, four, and six, shall be elected for a term of 2 years in even-numbered years. In no event shall this section be interpreted to reduce the duration of the term of any board member elected prior to this section becoming law.

(4) In the event of a vacancy occurring in the office of a board member, the Governor shall fill such vacancy by appointment until the next district election, and the person so appointed by the Governor shall hold office until his successor is elected and qualified. Should any person named as a board member die during his term of office, or refuse or for any reason or disability fail or be unable to serve, or resign from the office, then the Governor shall fill the vacancy by appointment until the succeeding district election, and at such succeeding district election a successor shall be elected. Only those persons residing in the Loxahatchee River environmental control district and having the qualifications to vote at general elections shall vote for said board. The elections referred to in this act shall be elections held by authority of the governing board of the Loxahatchee River environmental control district who shall exercise the

same powers in holding elections as now exist in the county commissioners of Martin County, Florida, and Palm Beach County, Florida. District elections for the purpose of electing members of the governing board shall be held annually on the first Tuesday after the first Monday in November. Election results in Palm Beach and Martin County shall be canvassed by the County Canvassing Boards of Palm Beach County and Martin County respectively. The candidate receiving the highest number of votes shall be declared elected. In the event that two or more candidates receive an equal and highest number of votes in the election, such candidates shall draw lots to determine who shall be declared elected. Candidates for the Governing Board shall qualify between the 63rd day and 49th day prior to the district election of governing board members, including such days. Candidates shall qualify in the manner provided by general law. A candidate for the governing board shall be an elector of the Loxahatchee River environmental control district and a resident of the area he or she is seeking to represent. Said elections shall be held at polling places within the precincts used by the electors residing within the district for state and county elections. Said board shall give notice of the time and place of said elections by posting said notice on the bulletin boards of all city halls of cities contained in the district, together with the bulletin boards of each county having area within the district, at least 20 days prior to said election. Said board shall provide for a registration book to be kept by the supervisors of elections of each county within said district in which all qualified electors shall be allowed to register at such times under such circumstances as are now authorized by law for state and county registration. Each person residing in said district shall have the right to register in said district, by subscribing to an oath to be administered by the supervisor of elections of the county in which such person resides, that he or she is a qualified elector under the Constitution and laws of Florida, and resides within the boundaries of the said Loxahatchee River environmental control district. Nothing in this section shall be construed to require any person to register to vote in any election held pursuant to this section if at the time such election is held, the person is registered to vote in state or county elections, and is registered at an address in the District.

(5) The governing board shall choose a secretary and a treasurer, and both of said offices may be held by the same person. The office of treasurer and the office of secretary of said district may, however, be filled by a board member or some other person appointed by said governing board. Within sixty (60) days after this act become effective, said governing board shall meet and organize by electing a chairman, secretary and treasurer. At least once in each year said board shall cause the books and accounts of said district to be thoroughly audited by a competent and reliable accountant or auditor. No person in the service of or employed by said district within one year prior to such audit shall be employed for said purpose.

(6) The board members shall cause true and accurate minutes and records to be kept of all business transacted by them and shall keep full, true and complete books of account. Minutes, records and books of accounts shall at all reasonable times be open and subject to the inspection of the public and any person desiring so to do may make or procure copies of such minutes, records and books, or of such portions thereof as he may desire.

(7) The board shall meet at least quarterly, in public meeting, at the call of the member elected chairman by the membership, or by written call of a quorum of four members.

(8) A quorum of not less than four members shall be required to hold a meeting and conduct business.

(9) An affirmative vote by at least four members shall be required for action of the board to become official.

(10) Members shall serve with compensation in the amount of $100 per month per member, and shall be entitled to per diem and travel expenses as provided by section 112.061, Florida Statutes.

(11) Every board member and every officer of the said district shall be indemnified by the district against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding or any settlement of any proceeding to which he may be a party or in which he may become involved by reason of his being or having been a board member or officer of the district, whether or not he is a board member or officer at the time such expenses are incurred, except when the board member or officer is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties; provided that in the event of a settlement the indemnification shall apply only when the board approves such settlement and reimbursement as being for the best interests of the district. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such board members or officers may be entitled.

Amendment 2—On page 7, line 20, strike "if" and insert: is

Amendment 3—In title, on page 1, strike all of lines 13-15 and insert: providing for construction of storm drainage systems and facilities in lands added to the district hereby without board approval; restricting the authority of the district to provide potable water service in certain areas; providing an

On motion by Senator Myers, by two-thirds vote HB 963 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Grant	Langley	Scott
Beard	Hair	Margolis	Stuart
Brown	Hill	McPherson	Thomas
Childers, D.	Hollingsworth	Meek	Thurman
Childers, W. D.	Jenne	Myers	Weinstein
Dudley	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	
Gordon	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 915—A bill to be entitled An act relating to Northern Palm Beach County Water Control District in Palm Beach County; amending section 1 of chapter 59-994, Laws of Florida, as amended, to include specified parcels of land in the territorial limits of the district; amending chapter 87-518, Laws of Florida, by adding a section 6 to include powers within and without the territorial boundaries of the district and to authorize certain charges; amending subsection (2) of section 2 of chapter 87-518, Laws of Florida, to include waste treatment within the additional powers of the district; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 18, strike all of lines 24 and 25 and insert: *of chapter 87-518, Laws of Florida, shall apply within Palm Beach County, whether within or without the territorial boundaries of the district, and include*

On motion by Senator Myers, by two-thirds vote HB 915 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Grant	Langley	Scott
Beard	Hair	Margolis	Stuart
Brown	Hill	McPherson	Thomas
Childers, D.	Hollingsworth	Meek	Thurman
Childers, W. D.	Jenne	Myers	Weinstein
Dudley	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	
Gordon	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

HB 916—A bill to be entitled An act relating to Seminole Water Control District, in Palm Beach County; amending section 4 of chapter 70-854, Laws of Florida; authorizing additional powers of the district for water supply, sewer and wastewater management, waste collection and disposal, street lights, control of arthropods, and for the supply and level of water; authorizing the board of supervisors of the district to distribute water for consumption from its water plants and to provide sewer collection and disposal of waste within and without the district boundaries;

providing for obligations of the district to pay interest at a rate not exceeding the maximum allowable by law; authorizing the issuance of revenue bonds and bond anticipation notes; providing for condemnation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 916 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Barron	Grant	Langley	Scott
Beard	Hair	Margolis	Stuart
Brown	Hill	McPherson	Thomas
Childers, D.	Hollingsworth	Meek	Thurman
Childers, W. D.	Jenne	Myers	Weinstein
Dudley	Jennings	Peterson	Woodson
Girardeau	Johnson	Plummer	
Gordon	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford

Motions to Reconsider

Senator Thomas moved that the Senate reconsider the votes by which HB 963 as amended, HB 915 as amended and HB 916 passed this day. The motion failed.

SPECIAL ORDER, continued

HCR 1679—A concurrent resolution requesting the Supreme Court to address the issue of discovery depositions in criminal proceedings.

—was read the second time in full. On motion by Senator Johnson, HCR 1679 was adopted and certified to the House. The vote on adoption was:

Yeas—30

Barron	Hair	Malchon	Stuart
Beard	Hill	Margolis	Thomas
Brown	Hollingsworth	Meek	Thurman
Childers, D.	Jenne	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Deratany	Johnson	Plummer	Woodson
Dudley	Kiser	Ros-Lehtinen	
Gordon	Langley	Scott	

Nays—None

Vote after roll call:

Yea—Crawford

HB 1504—A bill to be entitled An act relating to public procurement; amending s. 119.07, F.S., modifying an exemption for sealed bids or proposals received; exempting subscriber records supplied by telecommunications companies to governmental agencies; amending s. 120.53, F.S., providing notice requirements for exceptional purchase decisions of the Division of Purchasing of the Department of General Services; amending s. 216.136, F.S., requiring the Economic Estimating Conference to project the financial condition of the employee group health self-insurance plan; amending s. 216.164, F.S., requiring that proposed changes in benefits provided under the state group health self-insurance plan include a statement on the impact on plan premiums; amending s. 216.345, F.S., exempting certain membership dues from public procurement requirements; amending s. 287.012, F.S., modifying definition of "commodity"; defining "exceptional purchase", "term contract", and "competitive bids/offers"; amending s. 287.042, F.S., providing powers and duties of the division with respect to term contracts; providing procedures for actions protesting term contract or exceptional purchase decisions; requiring a bond; providing for hearings; providing for payment of attorney's fees and costs; modifying provisions relating to reporting use of minority business enterprises in state contracting; amending s. 287.052, F.S., providing for commodities acquired incidental to the acquisition of services; amending s. 287.057, F.S., clarifying language; amending s. 287.058, F.S., increasing the threshold amount for contractual services requiring a written agreement; requiring certification of an emergency precluding execution of a written agreement within a specified time period; amending s. 287.062, F.S., exempting certain emergency purchases from competitive bid requirements; providing for waiver of requirements for written agreements for certain services; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 2, line 20, after "amended" insert: and paragraph (y) is added to said section

Amendment 2—On page 7, strike all of lines 16-18, and insert:

(15) "Competitive bids" or "competitive offers" mean the receipt of two or more bids or offers submitted by responsive and qualified bidders or offerors.

Amendment 3—On page 8, lines 18 and 27, strike *"less"* and insert: *greater*

Amendment 4—On page 10, strike all of lines 4-6, and insert: thereunder *and except that contracts in which commodities are acquired incidental to the acquisition of services are deemed to be contracts for the acquisition or purchase of services.*

Amendment 5—On page 13, strike all of lines 5-28, and insert:

Section 11. Subsection (1) of section 287.062, Florida Statutes, is amended to read:

287.062 Competitive bids, when required; exception; deferred-payment purchases.—

(1) No purchase of commodities may be made when the purchase price thereof is in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO unless made upon competitive bids received, except:

(a) If the head of any state agency maintains that an emergency exists in regard to the purchase of any commodity, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency shall file with the division a statement under oath certifying the conditions and circumstances. *The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this section, and the filing with the division of such statement is waived.* In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days; and all such emergency purchases shall be reported to the head of the Department of General Services.

(b) Purchasing agreements, contracts, and maximum price regulations executed by the division are excepted from bid requirements.

(c) Commodities available only from a single source may be excepted from the bid requirements upon the filing by the head of an agency of a certification of conditions and circumstances with the division if, subsequent thereto, the division authorizes the exception in writing.

(d) When it is in the best interest of the state, the head of the Department of General Services may authorize the division director to purchase insurance by negotiation, but this shall be done only under conditions most favorable to the public interest and upon a showing that such purchase will result in the lowest ultimate cost for the coverage obtained.

(e) When an agency determines in writing that the solicitation for competitive bids is not practicable or not advantageous to the state, commodities may be procured by requests for proposals. For commodities in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the determination shall be submitted to the division. To assure full understanding of and responsiveness to the requirements set forth in the request for proposals, discussions may be conducted with qualified offerors. The division shall assist in the discussion upon request from the agency. Qualified offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals prior to the submittal date specified in the request for proposals. The award shall be made to the responsive offeror whose proposal is determined to be the most advantageous to the state, taking into consideration price and the other evaluation criteria set forth in the request for proposals. The basis on which the award is made for commodities in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR shall be submitted in writing to the division.

(f) Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are exempt from competitive bid requirements when the delay incident to competitive bidding, or factors such as the availability of service, professional consultation, or manufacturer expertise indicate that alternative methods of procurement would better serve the rehabilitation of the client, and procurement is made by negotiation, pursuant to an established fee schedule, by requests for proposals, or by any other method which ensures the best price for the state, taking into consideration the needs of the client. Prescriptive assistive devices include, but are not limited to, prosthetics, orthotics, and wheelchairs. For purchases made pursuant to this paragraph, state agencies shall certify to the division the circumstances which require an alternative method of procurement, and shall file with the division a description of the purchases and methods of procurement.

Amendment 6—On page 15, lines 23-31, and on page 16, lines 1 and 2, strike all of said lines and renumber subsequent section.

Senator Stuart moved the following amendment which was adopted:

Amendment 7—On page 13, between lines 8 and 9, insert:

Section 13. Section 240.225, Florida Statutes, is amended to read:

240.225 Applicability of certain sections.—The Department of General Services shall by rule provide for delegation to the State University System of the functions and duties in ss. 273.04, 273.05, and 273.055; ~~part I of chapter 287, except s. 287.073~~; and ~~part II of~~ chapter 287. *The Governor and Cabinet, sitting as the State Board of Education, shall approve or disapprove the award of information technology resources procurements under s. 287.073 for the State University System, which are reviewed by the Board of Regents pursuant to this section.* No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 14. Subsection (3) of section 282.308, Florida Statutes, is amended to read:

282.308 State University System information resources management plan.—

(3) The president of each university, or his designee, shall serve as the information resource manager who is responsible for the preparation of the plan of the university, the Annual Performance Report required in s. 282.312, and the Information Resources Management Operating Plan required in s. 282.3115; shall serve as a liaison with the information resource manager of the State University System and with the Division of Communications of the Department of General Services; and must approve all information resources management procurements of the university *which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017.*

Section 15. Section 282.311, Florida Statutes, is amended to read:

282.311 Information resource managers.—Each department executive director, secretary, or Cabinet officer, *the executive director of the Justice Administrative Commission, and the state attorney and public defender for each judicial circuit,* or *their designees* ~~his designee~~, shall serve as the information resource *managers* ~~manager~~ who *are* ~~is~~ responsible for developing information resources management policies for *their respective agencies* ~~his agency~~ in conformance with policies, standards, and rules established by the commission and shall coordinate all agency information resources management activities of *their agencies* ~~his agency~~. In addition, each information resource manager is responsible for the preparation of the Strategic Plan for Information Resources Management, the Annual Performance Report, and the Information Resources Management Operating Plan required in this chapter; shall serve as a liaison with the commission and the Division of Communications of the Department of General Services; and must approve all information resources management procurements of his agency *which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017.* The Chief Justice of the Supreme Court and the Chancellor of the Board of Regents, or their designees, shall serve as the managers for the *state courts system* ~~judicial branch~~ and the State University System, respectively.

Section 16. Subsection (4) of section 282.3115, Florida Statutes, is amended to read:

282.3115 Information Resources Management Operating Plan.—

(4) Information resources management procurements *which have a purchase price in excess of the threshold amount for CATEGORY THREE purchases provided in s. 287.017* may not be acquired by an agency unless the resources are approved by the information resource manager of the agency.

Section 17. Subsection (2) of section 282.314, Florida Statutes, is amended to read:

282.314 Information Resources Management Advisory Council.—

(2) The Governor and Cabinet members shall each appoint one information resource manager to serve on the council. Additional members shall be: the chairmen of the Florida Fiscal Accounting Management Information System Coordinating Council, the Growth Management Data Network Coordinating Council, and the Florida Information Resource Network Coordinating Council; the information resource managers *for the state courts system* ~~from the judicial branch of state government~~ and the State University System; *one information resource manager selected by the state attorneys; one information resource manager selected by the public defenders;* and three other information resource managers, selected by the information resource managers within the state, to represent the needs of the remaining departments.

Section 18. Paragraph (c) of subsection (1) of section 287.062, Florida Statutes, is amended to read:

287.062 Competitive bids, when required; exception; deferred-payment purchases.—

(1) No purchase of commodities may be made when the purchase price thereof is in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO unless made upon competitive bids received, except:

(c) Commodities available only from a single source may be excepted from the bid requirements upon the filing by the head of an agency of a certification of conditions and circumstances with the division if, subsequent thereto, the division authorizes the exception in writing. *To the greatest extent practicable, but no later than 45 days after authorizing the exception in writing, the division shall combine single-source procurement authorizations for identical information technology resources for which the purchase price exceeds the threshold amount for CATEGORY FOUR, as provided in s. 287.017, and shall negotiate and execute volume purchasing agreements for such procurements on behalf of the agencies.*

Section 19. Section 287.073, Florida Statutes, is amended to read:

287.073 Procurement of information technology resources.—

(1) For the purposes of this section, the term:

(a) "Information technology *resources* ~~resource~~" means ~~the~~ data processing hardware, software, services, supplies, personnel, facility resources, maintenance, *and* training, *but does not include those process control devices excluded from such definition by rule of the Information Resource Commission* ~~or other related resources~~.

(b) "Total cost" means all costs associated with the information technology resource, including, but not limited to, value of hardware, software or service, maintenance, incremental personnel, and facilities. *Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology resources to state universities to be used in instruction or research does not include fair market value.*

(2) When an agency can establish precise specifications defining the actual information technology resources that are required and only the price of such resources is the determining factor, the agency shall solicit sealed competitive bids through an invitation to bid, stating in writing the title, date, and hour of the public bid opening and specifically defining the information technology resources for which bids are sought. An invitation to bid shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously.

(3) When an agency determines that there are alternative means by which to meet the agency's requirements for information technology resources, that establishing precise specifications is not practicable, and that other evaluation criteria, in addition to price, will best meet the

agency's requirements, the agency may solicit sealed proposals through a request for proposals, stating in writing the title, date, and hour of the public opening. A request for proposals may include, but is not limited to, general information, applicable laws and rules, functional or general specifications, a statement of work, proposal instructions, and evaluation criteria. Evaluation criteria may include, but are not limited to, cost factors, technological assessment, service assessment, reliability assessment, software compatibility, and benchmark performance. To assure full understanding of and responsiveness to the requirements set forth in the request for proposals, the agency may conduct discussions with qualified offerors. The division shall assist in such discussions upon the request of an agency. Qualified offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals prior to the submittal date specified in the request for proposals. A contract shall be awarded to the responsive offeror whose proposal is determined to be the most advantageous to the state, taking into consideration price and other evaluation criteria set forth in the request for proposals.

(4) If an agency determines that the information technology resources required to meet the agency's needs are available only from a single source of supply, the head of the agency shall file a single-source certification request with the division, specifying the conditions and circumstances, and requesting that the acquisition of information technology resources be exempt from the bid requirements provided under s. 287.062.

(5)~~(2)~~(a) There is created within the Department of General Services the Information Technology Resource Procurement Advisory Council to function on a continuing basis. The council shall review and make recommendations *to the agencies* regarding agency single-source certification requests for information technology resources which have a 2-year total cost in excess of $500,000. The review shall be made prior to the request being filed with the division as specified in s. 287.062(1)(c). The council shall also review and recommend *to the agencies* modifications regarding agency invitations to bid or requests for proposals for information technology resources which have a 2-year total cost in excess of *$1 million* ~~$500,000~~. The review shall be made prior to the issuance of the invitation to bid or the request for proposals. When specifications have been modified through discussions with qualified offerors as provided in s. 287.062(1)(e), the council shall review the modifications prior to the submittal date stated in the request for proposals. *Except for emergency purchases under s. 287.062,* the council shall also review and make recommendations regarding agency acquisitions by any other method of acquiring information technology resources which have a 2-year total cost in excess of $500,000. The review shall be made prior to acquisition. The acquisition of a system that collectively includes data processing hardware, software, and services shall not be divided to avoid the requirements of this subsection.

(b) The council shall review the agency's information technology resource needs and shall examine the agency's proposed method of acquisition and the procurement specifications to ensure that such method and specifications are appropriate to meet the agency's needs, support fair and open competition, and are not unduly restrictive.

(c)~~(b)~~ The council shall be composed of the director of the Division of Purchasing of the Department of General Services, the executive administrator of the Information Resource Commission, and the director of the office of planning and budgeting of the Executive Office of the Governor, or their designees. The information resource manager of the agency which is acquiring the information technology resource, or his designee, shall serve as an ex officio member on the council without voting rights. The director of the Division of Purchasing shall serve as chairman and shall provide clerical *and staff* support to the council. The chairman shall call a meeting of the council as often as necessary to transact business. All actions of the council shall be based on a simple majority. *A copy of the council's written recommendations to an agency shall be provided to the Governor and Cabinet.*

(d) The council shall adopt rules which establish its standards for review of the agency's information technology resource needs, the agency's proposed procurement specifications, and the proposed method of acquisition, and shall establish the procedures to implement this section.

(6)~~(3)~~ The division shall, upon request, assist agencies in the writing of specifications for the solicitation of information technology resources.

(7) The council shall, on or before October 1 of each year, report to the Governor and Cabinet on its actions. The report shall include a summary, by agency, of the council's reviews; a summary of all reviews by method of acquisition and by total costs; an assessment of the effect of the council's actions on fair and open competition in agency information technology resources procurements; and a discussion of information technology resources purchasing issues. The report shall also include proposed information technology resources purchasing policies for approval by the Governor and Cabinet.

(8)~~(4)~~ The Governor and Cabinet, as head of the Department of General Services, shall approve or disapprove the award of all agency information technology resources *procurements* ~~for~~ which *are reviewed by the council pursuant to this section* ~~the 2-year total cost exceeds $500,000~~.

(Renumber subsequent section.)

Senator Kiser moved the following amendments which were adopted:

Amendment 8—In title, on page 1, line 23, strike "competitive bids/offers" and insert: "competitive bids" and "competitive offers"

Amendment 9—In title, on page 2, line 12, after the semicolon (;) insert: providing an exception for purchase of prescriptive assistive devices from the requirement for competitive bidding for purchase of commodities;

Senator Stuart moved the following amendment which was adopted:

Amendment 10—In title, on page 2, line 4, after the semicolon (;) insert: amending s. 240.225, F.S.; providing for the Department of General Services to delegate certain procurement functions to the State University System; providing for the State Board of Education to review specified procurements; amending ss. 282.308, 282.311, 282.3115, F.S.; designating information resource managers to serve the Justice Administrative Commission and the state attorney office and public defender office of each judicial circuit; requiring information resource managers to approve certain procurements; amending s. 282.314, F.S.; providing for additional representation on the Information Resources Management Advisory Council; amending s. 287.062, F.S.; requiring the Division of Purchasing of the department to negotiate and execute certain volume purchasing agreements; amending s. 287.073, F.S.; providing definitions; providing requirements for information technology resources bid solicitations; exempting certain procurements from bid requirements; providing additional duties of the Information Technology Resource Procurement Advisory Council;

On motion by Senator Kiser, by two-thirds vote HB 1504 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Gordon	Malchon	Scott
Beard	Hair	Margolis	Stuart
Brown	Hill	McPherson	Thomas
Childers, D.	Hollingsworth	Meek	Thurman
Childers, W. D.	Jenne	Myers	Weinstein
Deratany	Jennings	Peterson	Weinstock
Dudley	Johnson	Plummer	Woodson
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Langley

The Senate resumed consideration of—

SB 920—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; clarifying the requirements for teacher certification; providing for endorsements of teaching certificates; clarifying certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for secondary school teachers; providing for the creation of regional centers; providing a procedure for funding; authorizing the charging of fees; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, relating to alternate certification programs for secondary school teachers; providing multiple effective dates.

—as amended.

Senator Gordon moved the following amendment:

Amendment 8—On page 1, between lines 23 and 24, insert:

Section 1. Subsection (5) is added to section 228.195, Florida Statutes, to read:

228.195 School food service programs.—

(5) SCHOOL BREAKFAST PROGRAMS.—

(a) Each district school board shall establish a breakfast program which shall make breakfast available to all students in kindergarten through grade 6 in each district school, unless the elementary school goes only through grade 5, in which case the requirement shall apply only through grade 5. Programs required pursuant to this paragraph shall be made available no later than opening day of the 1989-1990 school year. If a school cannot, for good cause, meet the time requirements of this paragraph, the Commissioner of Education may grant an extension of time. If a school demonstrates that implementation of this paragraph will cause undue hardship to it or if a school demonstrates that it has had prior experience with a breakfast program which was underutilized and it is likely that a new program will also be underutilized, the Commissioner of Education may grant an exemption from participation. Such requests shall be made prior to the start of the school year. The State Board of Education shall adopt rules to guide the Commissioner in determining what constitutes undue hardship and underutilization for purposes of granting exemptions.

(b) The commissioner shall make every reasonable effort to ensure that any school designated an "especially needy school" receives the highest rate of reimbursement to which it is entitled pursuant to 42 U.S.C. 1773 for each free and reduced price breakfast served.

(c) A school district may operate a breakfast program providing for food preparation in central locations or distribution to designated satellite schools.

(Renumber subsequent sections.)

Further consideration of **SB 920** was deferred.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 16, CS for CS for SB 307, CS for SB 460, SB 765, CS for CS for CS for SB 954, CS for SB 1068, CS for CS for CS for SB 1164 and CS for SB 1364.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed SB 1075, as amended.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended House Bills 180, 918, 964, 1169, 1635, CS for HB 559, CS for HB 1265, CS for HB 1673 and CS for HB's 1574, 1422, 1430, 1438, 1439 and 1567.

John B. Phelps, Clerk

CO-INTRODUCERS

Senator Kiser—SB 1109

RECESS

On motion by Senator Barron, the Senate recessed at 8:48 p.m. to reconvene at 10:30 a.m., Tuesday, June 7.

SENATE PAGES

June 6-7

John Apgar, Tallahassee; Rosalind Renee Bush, Tallahassee; Robert T. Causseaux, Tallahassee; Ivy Michelle Concar, Tallahassee; John Evans Dailey, Tallahassee; Sarah Scott Dailey, Tallahassee; Nicole Derden, Tallahassee; Angela D. Jackson, Tallahassee; Ann Keegan, Tallahassee; Alfred James Lawson III, Tallahassee; Lee Michael Lewis, Woodville; Sharilyn A. Maphis, Tallahassee; Douglas McDaniel, Tallahassee; Grant Munroe, Tallahassee; Stephen Brooks O'Kelley, Tallahassee; Christa Ray, Midway; Kerrie J. Scheff, Tallahassee; David Stafford, Tallahassee